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THE

Statutes at Large,

FROM THE

Ninth to the 15th Year of King GEORGE II.

BY

DANBY PICKERING, of GRAY'S INN, Esq;

THE

OF THE

OF THE

OF THE

M. D. Hill.

THE

Statutes at Large,

FROM THE

Ninth to the 15th Year of King GEORGE II.

To which is prefixed,

A TABLE containing the TITLES of all the STATUTES
during that Period.

VOL. XVII.

By DANBY PICKERING, of Gray's-Inn, Esq;
Reader of the Law Lecture to that Honourable Society.

CAMBRIDGE,

Printed by JOSEPH BENTHAM, Printer to the UNIVERSITY;
for CHARLES BATHURST, at the Cross-Keys, opposite St. Dunstan's
Church in Fleet-Street, London. 1765.

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TABLE of the STATUTES,

Containing the Titles of all such Acts as are extant in print, from the Eighth to the Fourteenth Year of King GEORGE II.

Anno 9 Georgii II.

Cap. 1. **F**OR continuing the duties upon malt, mum, cyder and perry in that part of *Great Britain* called *England*; and for granting to his Majesty certain duties upon malt, mum, cyder and perry in that part of *Great Britain* called *Scotland*, for the service of the year one thousand seven hundred and thirty six.

Cap. 2. To punish mutiny and desertion, and for the better payment of the army and their quarters.

Cap. 3. For granting an aid to his Majesty by a land tax to be raised in *Great Britain*, for the service of the year one thousand seven hundred and thirty six.

Cap. 4. To amend an act passed in the seventh year of the reign of his late majesty King George the First, intituled, *An act to preserve and encourage the woollen and silk manufactures of this kingdom, and for more effectual employing the poor, by prohibiting the use and wear of all printed, painted, stained, or dyed callicoes in apparel, household stuff, furniture, or otherwise, after the twenty fifth day of December, one thousand seven hundred and twenty two (except as is therein excepted)* so far as relates to goods made of linen yarn, and cotton wool, manufactured in *Great Britain*.

Cap. 5. To repeal the statute made in the first year of the reign of King James the First, intituled, *An*
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act against conjuration, witchcraft, and dealing with evil and wicked spirits, except so much thereof as repeals an act of the fifth year of the reign of Queen Elizabeth, *Against conjurations, enchantments, and witchcrafts*, and to repeal an act passed in the parliament of Scotland in the ninth parliament of Queen Mary, intituled, *Anentis witchcrafts*, and for punishing such persons as pretend to exercise or use any kind of witchcraft, sorcery, incantment, or conjuration.

Cap. 6. To indemnify persons who have omitted to read the prayers, and make and subscribe the declarations directed to be read, made, and subscribed by the act of uniformity of the thirteenth and fourteenth years of the reign of King Charles the Second, within the time limited by law, and for allowing further time for doing thereof.

Cap. 7. To explain and amend an act passed in the first year of the reign of his present majesty, intituled, *An act for repairing and enlarging the road leading from the house called The sign of the Bells, in the parish of Saint Margaret in Rochester, to Maidstone, and other roads therein mentioned in the county of Kent*.

Cap. 8. For the better regulating the nightly watch and bedels within the parish of Saint Martin in the Fields, within the liberties of the city of Westminster.

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Cap.

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- Cap. 9. For enlarging the term and powers granted by an act passed in the eleventh year of his late majesty King George the First, intituled, *An act for repairing and amending the road from Biggleswade in the county of Bedford, to Bugden, and through Alconberry to the top of Alconberry Hill, or cross post, leading into Sautery Lane, on the York and Edinburgh road, and from the said town of Bugden to the town of Huntingdon, and from Cross Hall in Eaton Soken in the said county of Bedford, to Great Stoughton Common in the said county of Huntingdon.*
- Cap. 10. For repairing and widening the road leading from Saint Dunstan's Cross near the city of Canterbury, to the water-side at Whitstable in the county of Kent.
- Cap. 11. For enlarging the term and powers granted by an act passed in the fifth year of the reign of his late majesty King George the First, intituled, *An act for repairing the road from Beconsfield in the county Bucks, to Stoken Church in the county of Oxon.*
- Cap. 12. To enable the justices of the peace, acting for the western division of the county of Kent, to purchase a convenient piece of ground for building a gaol for the said county, and for empowering the said justices to apply part of the county stock of the said division towards the same.
- Cap. 13. For the better regulating the nightly watch and bedels within the parish of Saint Paul, Covent Garden, within the liberties of the city of Westminster.
- Cap. 14. For repairing the roads leading from Henley Bridge in the county of Oxford to Dorchester Bridge, and from thence to Cutham Bridge, and to a place called Mile Stone in the road leading to Magdalene Bridge in the said county.
- Cap. 14. For enabling the mayor, bailiffs, and burgeses of the borough of *New Windsor* in the county of Berks, to repair and maintain their great bridge over the river of *Thames*, and the way thereon, leading from the said borough of *New Windsor* to *Eton* in the county of Bucks.
- Cap. 16. For continuing the term and powers granted by an act passed in the fourth year of the reign of his late majesty King George the First, intituled, *An act for repairing the highways from Crown Corner in the town of Reading (leading by and through the several parishes of Shinfield and Heckfield, in the several counties of Berks, Wilts, and Southampton) to Basingstoke in the said county of Southampton.*
- Cap. 17. For the better regulating the nightly watch and bedels within the parishes of Saint Margaret, and Saint John the Evangelist, within the city and liberty of Westminster.
- Cap. 18. For reviving and continuing the acts therein mentioned, and for explaining and amending a clause in an act made in the first year of the reign of his late majesty King George the First, intituled, *An act for making the laws for repairing the highways more effectual*, relating to the appointing scavengers in cities and market towns, and the ordering the assessments for the repairing and cleansing the streets therein.
- Cap. 19. For the better regulating the nightly watch and bedels within the parish of Saint Anne, within the liberties of the city of Westminster.
- Cap. 20. For the better enlightning of the streets of the city of London.
- Cap. 21. For repairing the highways from *Sunning Lane End* next *Twynford*, to the *Old Bear Inn* in *Reading* in the county of Berks.
- Cap. 22. For rebuilding the parish church

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- church of *Gainfburgh* in the county of *Lincoln*.
- Cap. 23. For laying a duty upon the retailers of spirituous liquors, and for licensing the retailers thereof.
- Cap. 24. For exhibiting a bill in this present parliament for naturalizing her royal highness the princess of *Wales*.
- Cap. 25. For more equal paying and better collecting certain small sums for relief of shipwrecked mariners, and distressed persons, his Majesty's subjects, in the ports of *Cadiz*, and port *Saint Mary's* in the kingdom of *Spain*, and for other uses, usually contributed to by the merchants trading to the said ports.
- Cap. 26. For indemnifying persons who have omitted to qualify themselves for offices within the time limited by law, and for allowing further time for that purpose; and for amending so much of an act passed in the second year of the reign of his present Majesty, as requires persons to qualify themselves for offices before the end of the next term or quarter sessions; and also for enlarging the time limited by law for making and subscribing the declaration against transubstantiation; and for allowing further time for enrolment of deeds and wills made by papists; and for relief of protestant purchasers, devisees, and lessees.
- Cap. 27. For laying a duty of two pennies *Scots*, or one sixth part of a penny *Sterling*, upon every *Scots* pint of ale and beer brewed, or brought into, and sold within the town of *Irvine*, and liberties thereof: and for laying a duty of one penny *Sterling* upon every ton, or ten horse loads of coals, carried to the harbour of the said town, and shipped there for transportation.
- Cap. 28. For naturalizing her royal highness the princess of *Wales*.
- Cap. 29. For building a bridge cross the river *Thames*, from the *New Palace Yard* in the city of *Westminster*, to the opposite shore in the county of *Surrey*.
- Cap. 30. To prevent the lifting his Majesty's subjects to serve as soldiers without his Majesty's licence.
- Cap. 31. For continuing the duty of two pennies *Scots*, or one sixth of a penny *Sterling*, on every pint of ale and beer, that shall be vended or sold within the city of *Glasgow*, and for extending the same over the villages of *Gorbells* and *Port Glasgow*, and privileges thereof, for the benefit of the said city and villages.
- Cap. 32. For continuing for the purposes therein mentioned, the additional duties upon stamped vellum, parchment, and paper, laid by an act passed in the twelfth year of the reign of his late majesty King *George the First*.
- Cap. 33. To render the law more effectual for preventing the importation of fresh fish taken by foreigners, and to explain so much of an act made in the thirteenth and fourteenth year of the reign of King *Charles the Second*, as relates to ships exporting fish to the ports of the *Mediterranean Sea*, and for the better preservation of the fry of lobsters on the coast of *Scotland*.
- Cap. 34. For enabling his Majesty to borrow any sum or sums of money not exceeding six hundred thousand pounds, to be charged upon the surplusses, excesses, or overplus monies, commonly called *The sinking fund*, redeemable by parliament, and for the further disposition of the said fund, by paying off one million of *South Sea* annuities, and for appropriating the supplies granted in this session of parliament.
- Cap. 35. For indemnifying persons who have been guilty of offences against the laws made for securing the revenues of customs and excise

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else, and for enforcing those laws for the future.

Cap. 36. To restrain the dispositions of lands, whereby the same become unalienable.

Cap. 37. For further encouraging and regulating the manufacture of *British* sail cloth, and for the more effectual securing the duties now payable on foreign sail cloth imported into this kingdom.

Cap. 38. To explain and amend so much of an act made in the second year of his present Majesty's reign, intituled, *An act for the more effectual preventing bribery and corruption in the elections of members to serve in parliament*, as relates to the commencing and carrying on of prosecutions grounded upon the said act.

Cap. 39. For making more effectual two acts of parliament, one of the tenth year of the reign of her late majesty *Queen Anne*, and the other of the seventh year of the reign of his late majesty *King George the First*, for repairing the road from *Highgate Gatehouse* in the county of *Middlesex*, to *Barnet Black-house* in the county of *Hertford*; and the road from the *Bear Inn* in *Hadley*, to the *Angel* in *Enfield Chase*; and for amending *Cane-wood Lane*, leading from *Highgate* to *Hampstead* in the said county of *Middlesex*.

Private Acts.

Anno 9 Georgii II.

1. An act to enable *John Harrison* an infant, now called *John Newport*, and the heirs of his body, to take and use the surname of *Newport*, pursuant to the direction of *Henry* late earl of *Bradford* deceased.
2. An act for naturalizing *Peter Callices*, *Zachary Cabuac*, and others.
3. An act to enable *Bartholomew Richard Barneby* esquire, otherwise

Lutley, and the issue of his body, to take upon him and them the surname of *Barneby*, pursuant to the will of *John Barneby* esquire, deceased.

4. An act for naturalizing *Henry Lys* and *Frederick Ludovick Metzner*.
5. An act for settling the estate of *William* late earl *Cowper* deceased, to the uses and for the purposes mentioned in certain articles of agreement, made between *William* now earl *Cowper*, and his brother, and the issue of *Spencer Cowper* esquire, deceased.
6. An act to enable *Harry* earl of *Stamford*, and *Harry Gray* esquire, commonly called lord *Gray*, son and heir apparent of the said earl, to make a settlement upon the marriage of the said lord *Gray*, notwithstanding his infancy.
7. An act for empowering the trustees named in the will of *Thomas* late earl of *Pembroke* and *Montgomery*, to lay out the residue of his personal estate in the purchase of such lands and hereditaments, as in this act are mentioned.
8. An act for discharging the estate purchased by the trustees of *Charles Cavendish* esquire, commonly called lord *Charles Cavendish*, from the trusts of his settlement, and for enabling the said trustees to sell and dispose of the same, for the purposes therein mentioned.
9. An act for exchanging of lands between Sir *John Astley* baronet, and the president and fellows of *Queen's College* in *Cambridge*.
10. An act to enable the dean and chapter of *Saint Peter's, Westminster*, to convey a piece of ground with three houses thereon, at *Knightbridge*, to a trustee, for the contributors to *Saint George's hospital*, and their successors.
11. An act for making effectual articles of agreement, touching the estates late of *Roger Nowell* the elder, of

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- of *Read* in the county of *Lancaster*, esquire, and *Roger Nowell* his son, lying in the same county and in the county of *York*, and vesting the said estates in trustees, to be sold for the payment of debts, and other purposes therein mentioned.
- 12. An act for sale of an undivided fourth part of the manor of *Plumpton*, and certain lands and hereditaments in the county of *Suffex*, the estate of *Elizabeth Shore* and her daughters, and for vesting the money arising thereby in trustees for the same uses, to which the said estate now stands settled.
- 13. An act for vacating the grants and settlements of certain manors, lands, and tenements, made by *George Parker* esquire, upon the marriage of *Francis* his son with *Jaquete* his now wife, and for settling other lands instead thereof.
- 14. An act for vesting the equity of redemption of all the lands of inheritance and leasehold estates, late of *Charles Bentley* esquire, deceased, lying in the county of *Worcester*, in trustees, to be sold for payment of his debts, and making some provision for *Penelope* his widow, and *Charles* and *Penelope* infants, his son and daughter,
- 15. An act for vesting the estate of *William Gee* esquire, in trustees, to settle the same, pursuant to an agreement made previous to his marriage with *Elizabeth* his wife, daughter of *Roger Talbot* esquire.
- 16. An act for explaining the will of *Joseph Banks* esquire, deceased, and for empowering several persons, claiming under the said will, to make jointures and leases, in such manner as is therein mentioned.
- 17. An act for inclosing and dividing the common field called *Alderminster* common field, common pastures, and other common grounds, in the parish of *Alderminster* in the county of *Worcester*.
- 18. An act for dividing and inclosing the common field and plots of commonable lands, and for stinting the common or heath in the manor of *Ixworth* within the parish of *Ixworth* in the county of *Suffolk*.
- 19. An act for dividing and inclosing certain commons and waste grounds called *Stankham* and *Soldridge* commons in the parish of *Old Alresford* in the county of *Southampton*.
- 20. An act to enable *Charles Herbert* esquire, now called *Charles Sheffield*, and his issue, to take and use the surname of *Sheffield*, pursuant to the will of *John* late duke of *Buckinghamshire* and *Normanby*, deceased.
- 21. An act to enable *Reginal Lygon* esquire, otherwise *Pyndar*, and the heirs male of his body, to take upon him and them the surname and arms of *Lygon*, pursuant to the settlement of *William Lygon* esquire, deceased.
- 22. An act to enable *William Berkeley* esquire, now called *William Portman*, and his issue male, to take and use the surname of *Portman* only.
- 23. An act to enable *Robert Kendall* esquire, now called *Robert Cater*, and his issue, to take and use the surname and arms of *Cater*.
- 24. An act to enable *John Shales*, commonly called *John Barrington*, and the heirs of his body, to take and use the surname of *Barrington*, pursuant to a settlement made by Sir *Charles Barrington* baronet, deceased.
- 25. An act to enable *George Allgood* esquire, lately called *George Smith*, and the heirs male of his body, to take and use the surname of *Allgood* only, pursuant to the will of *George Allgood* gentleman, deceased.
- 26. An act to enable *Robert Phillips* esquire, and his issue male, to take and use the surname of *Lee*, pursuant to the will of *Robert Lee* esquire, deceased.

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27. An act to enable *John Gilbert* esquire, and the heirs male of his body, to take and use the surname and arms of *Cooper*, pursuant to the will of *John Cooper* of *Thurgarton*, esquire, deceased.
28. An act to enable *John Sinclair*, eldest son of *Henry* late lord *Sinclair* deceased, to sue or maintain any action or suit, notwithstanding his attainder, and to remove any disability in him, by reason of his said attainder, to take or inherit any real or personal estate, that may or shall hereafter descend or come to him.
29. An act to enable *William Murray* to sue or maintain any action or suit, notwithstanding his attainder, and to remove any disability in him, by reason of his said attainder, to take or inherit any real or personal estate, that may have descended or come to him since his late Majesty's most gracious pardon, dated the twentieth day of *July*, in the seventh year of his reign, or that shall hereafter descend or come to him.
30. An act for naturalizing *Friederich Felthusen*.
31. An act for making effectual what has been agreed been *Alan* lord viscount *Middleton* in the kingdom of *Ireland*, and his four nieces; and for the securing the payment of ten thousand pounds agreed to be paid them; and to enable him to make good the agreements in his marriage articles.
32. An act to enable *John Freeman* esquire, heretofore called *John Cooke*, and his heirs, to take and use the surname of *Freeman*, pursuant to the will of *William Freeman* esquire, deceased; and also to empower the said *John Freeman*, and others, to make leases of the estates devised by the said will.
33. An act to enable the guardians and trustees of *Samuel Pitt* an infant to compound with *Samuel Pitt* merchant, for a sum of money decreed to the said infant by the court of *Chancery*.
34. An act for sale of part of the estate late of *Thomas Vaux*, esquire, deceased, for discharging his debts and incumbrances.
35. An act for inclosing and dividing the common fields and common grounds in the parish of *West Stafford cum From Bellett* in the county of *Dorset*.
36. An act for vesting in *John Sallom* gentleman, and his heirs, a reversion in fee of lands and hereditaments therein mentioned, in the county of *Lancaster*, forfeited by *Gabriel Hesketh*, attainted of high treason.
37. An act to enable the commissioners of the treasury or the lord high treasurer for the time being, to compound with *Edward Randolph* late of *London* merchant, and his sureties, a debt due to the crown for customs for tobacco.
38. An act for naturalizing *David Purry* and *John Anthony Merle*.
39. An act for naturalizing *John Reessen*.

Anno 10 Georgii II.

- Cap. 1. For continuing the duties upon malt, mum, cyder, and perry, in that part of *Great Britain* called *England*; and for granting to his Majesty certain duties upon malt, mum, cyder and perry, in that part of *Great Britain* called *Scotland*, for the service of the year one thousand seven hundred and thirty seven.
- Cap. 2. For punishing mutiny and desertion; and for the better payment of the army and their quarters.
- Cap. 3. For granting an aid to his Majesty by a land tax to be raised in *Great Britain*, for the service of the

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- the year one thousand seven hundred and thirty seven.
- ap. 4. For continuing an act passed in the fifth year of the reign of his late majesty King George the First, intituled, *An act for laying a duty of two pennies Scots, or one sixth part of a penny sterling, upon every pint of ale or beer that shall be vended or sold within the town of Dunbar, for improving and preserving the barbour, and repairing the town house, and building a school, and other publick buildings there, and for supplying the said town with fresh water.*
- Cap. 5. For enlarging the term granted by an act passed in the twelfth year of the reign of his late majesty King George the First, intituled, *An act for repairing several roads therein mentioned, leading into the city of Worcester; and for repairing several other roads lying contiguous to the same; and for reducing the toll or duties granted on sheep and lambs by the said act.*
- Cap. 6. For the better repairing and paving the highwaya, streets and watercourses within the city of New Sarum, and for enlightning the streets, lanes, and passages, and better regulating the nightly watch within the said city.
- Cap. 7. For continuing an act passed in the third year of the reign of his late majesty King George the First, *For laying a duty of two pennies Scots, or one sixth part of a penny sterling, an every pint of ale or beer that shall be vended or sold within the town of Dumfries, and privileges thereof, for paying the debts of the said town, and for building a church, and making a barbour there; and for laying a duty on the tonnage of shipping, and a duty on goods imported and exported into and out of the port of the said town, for the better repairing the said harbour.*
- Cap. 8. To make perpetual an act made in the seventh year of the reign his present Majesty, intituled, *An act to prevent the infamous practice of stock-jobbing.*
- Cap. 9. For making navigable the river or brook called *Worsley Brook*, from *Worsley Mill*, in the township of *Worsley*, in the county palatine of *Lancaster*, to the river *Irwell* in the said county.
- Cap. 10. To impower the justices of the peace for the county of *Bucks*, to raise money to discharge the debts incurred on account of building a gaol and court rooms, and for finishing the same for the use of the county.
- Cap. 11. For making more effectual two acts of parliament, one of the sixth year of the reign of her late majesty Queen Anne, and the other of the eleventh year of the reign of his late majesty King George, *For repairing the highways from Old Stratford in the county of Northampton, to Dunchurch in the county of Warwick.*
- Cap. 12. For repairing the road from *Hertford Bridge Hill*, to the town of *Basingstoke*, and also the road from *Hertford Bridge Hill* aforesaid, to the town of *Odibam* in the county of *Southampton*.
- Cap. 13. For indemnifying persons who have omitted to qualify themselves for offices, or to take the oaths required within the time limited by law, and for allowing further time for those purposes.
- Cap. 14. For collecting at the port of *Leghorn* certain small sums of money, to which the merchants trading there have usually contributed, for the relief of shipwrecked mariners, captives, and other distressed persons, his Majesty's subjects, and for other charitable and publick uses.
- Cap. 15. To enable the present and future proprietors and inhabitants of the houses in *Red-lion Square*, in the county of *Middlesex* to make a

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- rate on themselves, for raising money sufficient to inclose, pave, watch, clean, and adorn the said square.
- Cap. 16. For explaining and amending an act passed in the ninth year of the reign of his present Majesty, intituled, *An act for building a bridge cross the river Thames, from the New Palace Yard in the city of Westminster, to the opposite shore in the county of Surrey.*
- Cap. 17. For repealing the present duty on sweets, and for granting a less duty thereupon; and for explaining and enforcing the execution of an act passed in the ninth year of his present Majesty's reign, intituled, *An act for laying a duty upon the retailers of spirituous liquors, and for licensing the retailers thereof;* and for appropriating the supplies granted in this session of parliament; and for making forth duplicates of exchequer bills, lottery tickets, and orders, lost, burnt, or otherwise destroyed.
- Cap. 18. For rebuilding the church of the parish of *Saint Olave*, in the city of *London*, and in the borough of *Southwark*, in the county of *Surry*.
- Cap. 19. For the more effectual preventing the unlawful playing of interludes within the precincts of the two universities, in that part of *Great Britain* called *England*, and the places adjacent, and for explaining and amending so much of an act passed in the last session of parliament, intituled, *An act for laying a duty upon the retailers of spirituous liquors, and for licensing the retailers thereof,* as may affect the privilege of the said universities, with respect to licensing taverns, and all other publick houses within the precincts of the same.
- Cap. 20. To enable the magistrates and town council of the burgh of *Lanark*, to repair and maintain their bridge over the river *Clyd* at *Clydsbalm*, in the shire of *Lanark*.
- Cap. 21. For making the chapel in the hamlet of *Abthorpe* and *Foxcoate*, in the parish of *Towcester*, in the county of *Northampton*, a parish church, and for appointing a district or parish thereto, and for enabling the master of the free grammar school within the said hamlet of *Abthorpe* and *Foxcoate* to be vicar of the said parish church.
- Cap. 22. For the better regulating the nightly watch and bedels within the city of *London*, and liberties thereof; and for making more effectual the laws now in being, for paving and cleansing the streets and sewers in and about the said city.
- Cap. 23. For explaining, and amending, and making more effectual several acts of parliament made in the fourth, sixth, and tenth years of the reign of his late majesty King *George the First*, respectively, for repairing the several roads therein mentioned in the counties of *Surry*, *Kent*, and *Suffex*; and for enlarging the terms and powers by the said acts granted; and for repairing the road lying between *Nonefuch* and *Worcester* parks, in the parish of *Cuddington*, in the said county of *Surry*.
- Cap. 24. For enlarging the term and powers granted by an act passed in the ninth year of the reign of his late majesty King *George the First*, intituled, *An act for repairing and widening the road leading from the Black Bull Inn in Dunstable in the county of Bedford, to the way turning out of the said road up to Shafford House in the county of Hertford;* and for preventing the driving of cattle through private grounds and passages, to avoid the payment of the toll charged upon cattle by an act of the first year of the reign of his late majesty, and the eighth year of the reign of his present Majesty, *For repairing the roads from South Mims*

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- Mims to Saint Albans, in the said county of Hertford.*
- Cap. 25. For the better regulating the nightly watch and bedels within the liberty of *Saffron Hill, Hatton Garden, and Ely Rents*, in the parish of *Saint Andrew Holborn*, in the county of *Middlesex*.
- Cap. 26. For relief of insolvent debtors.
- Cap. 27. For laying a duty upon apples imported from foreign parts; and for continuing an act passed in the fourth year of the reign of his present Majesty, *For granting an allowance upon the exportation of British made gunpowder*; and for taking off the drawback upon exportation of foreign paper; and for the better securing the payment of the bounty on the exportation of *British made sail-cloth*; and for giving further time for the payment of duties omitted to be paid for the indentures and contracts of clerks and apprentices.
- Cap. 28. To explain and amend so much of an act made in the twelfth year of the reign of *Queen Anne*, intituled, *An act for reducing the laws relating to rogues, vagabonds, sturdy beggars, and vagrants, into one act of parliament*; and for the more effectual punishing such *rogues, vagabonds, sturdy beggars, and vagrants, and sending them whither they ought to be sent*, as relates to common players of interludes.
- Cap. 29. For enabling his Majesty to settle a revenue for supporting the dignity of her royal highness the princess, in case she shall survive his royal highness the prince of *Wales*, and for exempting such yearly sum or sums of money, as his Majesty hath granted, or shall grant to his said royal highness from the payment of fees, taxes, and other charges whatsoever, and for enabling his said royal highness to make leases of lands, parcel of the dutchy of *Cornwall*, or annexed to the same.
- Cap. 30. For repealing the duties payable *ad Valorem*, upon foreign oysters imported into this kingdom, and for laying another duty thereon.
- Cap. 31. For regulating the company of watermen, wherry-men, and lightermen rowing on the river *Thames*, between *Gravesend* in the county of *Kent*, and *Windsor* in the county of *Berks*.
- Cap. 32. For continuing an act for the more effectual punishing wicked and evil disposed persons, going armed in disguise, and doing injuries and violences to the persons and properties of his Majesty's subjects, and for the more speedy bringing the offenders to justice; and for continuing two clauses to prevent the cutting or breaking down the bank of any river or sea bank, and to prevent the malicious cutting of hop-binds, contained in an act passed in the sixth year of his present Majesty's reign; and for the more effectual punishment of persons removing any materials used for securing marsh or sea walls, or banks, and of persons maliciously setting on fire any mine, pit, or delf of coal, or cannel coal, and of persons unlawfully hunting or taking any red or fallow deer, in forests or chases, or beating or wounding keepers, or other officers, in forests, chases or parks; and for the more effectually securing the breed of wild-fowl.
- Cap. 33. For making navigable the river *Rodon*, from a little below a mill called *Barking Mill* in the county of *Essex*, to *Ilford Bridge* in the said county.
- Cap. 34. To disable *Alexander Wilson* esquire, from taking, holding, or enjoying any office or place of magistracy in the city of *Edinburgh*, or elsewhere, in *Great Britain*; and for

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for imposing a fine upon the corporation of the said city.

Cap. 35. For the more effectual bringing to justice any persons concerned in the barbarous murder of captain *John Porteous*, and punishing such as shall knowingly conceal any of the said offenders.

Cap. 36. For enlarging the term and powers granted by an act passed in the eighth year of the reign of his late majesty King *George the First*, For repairing the highways from the *stones* and at *White Chapel Church* in the county of *Middlesex*, to *Shenfield*, and to the furthestmost part of the parish of *Woodford*, leading to the town of *Epping*, in the county of *Essex*; and for repairing the road leading from the causeway in the parish of *Low Lorton* (through *Wanstead*) to the end of the parish of *Woodford* next to the parish of *Chigwell* in the said county of *Essex*.

Cap. 37. To prevent the act made in the twenty first year of the reign of King *James the First*, intituled, *An act for limitation of actions*, and for avoiding suits in law, being pleaded, insisted on, or taken advantage of, by any persons claiming under the will of *Richard Norton* esquire, of *Southwick*, deceased, against any claim, title, or demand, which *Thomas Norton* esquire, hath to or upon the manor of *Old Alresford* and lands in the county of *Southampton*, settled by indenture of the fifth of *March*, one thousand six hundred and fifty seven, or the rents and profits thereof.

Private Acts.

Anno 10 Georgii II.

1. An act to enable *Anthony James* esquire, and his heir male, and other persons therein mentioned, to take and use the surname of *Keck*, pursuant to the will of *Anthony Keck* gentleman, deceased.

2. An act for naturalizing *Joseph Pouchon*.

3. An act for naturalizing *Nicholas Magens*, *John Timmerman*, *Theodore Davel*, and others.

4. An act for sale of the capital messuage of *Gunnerbury*, and other lands and hereditaments, late the estate of Sir *John Maynard* knight, serjeant at law, and for purchasing another estate to be settled to the uses of his will.

5. An act for sale of a certain leasehold estate of *Thomas Cook* esquire, in the county of *Gloucester*, and for settling some freehold and copyhold estates of inheritance of greater value to the same uses in lieu thereof.

6. An act to enable the trustees and testamentary guardians named in the will of *Thomas Hesketh*, late of *Rufford* in the county of *Lancaster*, esquire, deceased, to perform the same, and make leases for lives in his settled estate, for paying his debts during his son's minority, in case of an estate devised by him to be sold.

7. An act for inclosing and dividing certain common pasture grounds called *Purton Common* and *Purton Stoke Common*, within the parish of *Purton* otherwise *Puriton*, in the county of *Wilts*.

8. An act for enabling Sir *Jacob Des Bouverie* baronet, and *John Des Bouverie* esquire, and their respective issue, and *Elizabeth Des Bouverie*, sister of the said *John*, to take and use the surname of *Bouverie*, pursuant to the desire of *Jacob Des Bouverie* esquire, and Sir *Christopher Des Bouverie* deceased.

9. An act to enable *John Harvey* esquire, now called *John Thurstby*, to take and use the surname and arms of *Thurstby*, in pursuance of the will of *William Thurstby*, esquire, deceased.

10. An act to enable the trustees in the

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- the last will of *Thomas Kellow* gentleman, deceased, to sell the rectory impropriate of *Berwick Saint James* in the county of *Wilts*, for the payment of his debts.
11. An act to enable trustees, during the respective minorities of *George Talbot* esquire, and his younger brothers, to grant leases of the estates of the said infants in the counties of *Salop, Worcester, Berks, Chester, Stafford, Oxford, and Wilts*.
 12. An act for sale of the manor and capital messuage of *Swallowfield*, late the estate of *Thomas Pitt* esquire, deceased, and for purchasing another estate to be settled to the uses of his will.
 13. An act for naturalizing *Godfrey Wichelhausen, John Francis Noppe, John Stephen Masson, Thomas Barbaud, and John Dillman*.
 14. An act for sale of part of the estate of *Daniel* late earl of *Winchelsea* and *Nottingham*, deceased, for payment of debts and incumbrances charged upon and affecting the same, and for other purposes therein mentioned.
 15. An act for establishing and confirming a partition of the estates of *Sir Robert Furness* baronet, deceased, among his three daughters and coheirs, and for settling their several specifick shares and allotments to such uses as their several undivided third parts thereof stood limited before such partition, and for other purposes therein mentioned.
 16. An act for inrolling of certain indentures of lease and release, executed by *Sir William Dudley* and dame *Elizabeth* his wife, and for making the exemplification and attested copies of such indentures, and also of an act of parliament and certain articles of agreement therein referred to, evidence in all courts of law and equity in *Ireland*.
 17. An act for sale of the manor of *Kippax* in the county of *York*, part of the settled estate of *Sir Reginald Graham* baronet, and for settling his estates at *Norton* and *Nunwick* in the same county, being of greater value, to the same uses, and for making a partition of the manor of *Whitwell* between him and his brother *Richard Graham* esquire.
 18. An act to establish an agreement made by the devisees of *Sir Samuel Ongley* knight, deceased, with *Sir Roger Hudson* knight, for the sale of two messuages on the east side of *Bishopsgate street* in the city of *London*, and for the purchase of two messuages on the north side of *Threadneedle Street* in the said city, with part of the money arising from the said sale, and for other purposes therein mentioned.
 19. An act for confirming an agreement between the rector of the parish church of *Saint Mary Woolnoth* and of the united parishes of *Saint Mary Woolnoth* and *Saint Mary Woolsburch* in the city of *London*, and the mayor, commonalty, and citizens of the said city, with the consent of the patron and ordinary, for the grant of a parcel of ground therein mentioned lying in *Stocks Market*, to the said mayor, commonalty, and citizens, in consideration of a rent of ten pounds a year, payable to the said rector and his successors for ever.
 20. An act to enable *Peter Legh* of *Lyme*, esquire, to revoke or alter some of the uses and estates limited in a settlement formerly made by him, and to empower certain tenants for life therein, to make jointures and provision for daughters and younger sons in the lifetime of the said *Peter Legh* the elder, and with his consent.
 21. An act to enable *Peter Shakerley*, and *George Shakerley*, sons of *George Shakerley*, to make suitable jointures for their wives, and provision for

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- for their daughters and younger sons out of the estates of the said *George Shakerley* the father, lying in the counties of *Chester* and *Lancaster*.
22. An act to enable the guardians of *Anthony Langley Swymmer*, an infant, to join in making leases of certain mines in the county of *Flint*, with the other owners thereof, during the minority of the said infant.
23. An act to vest the estates of *Frederick Trench* esquire, in the counties of *West Meath* and *Meath* in the kingdom of *Ireland*, in trustees to raise money for the payment of debts, and after discharging the said debts, to the use of the said *Frederick Trench*, and his heirs, and for resettling other lands therein mentioned to the uses of his marriage settlement.
24. An act for sale of part of the settled estate of *George Cary* esquire, lying in the county of *Devon*, for discharging several debts and incumbrances of his late father and grandfather, and for settling an estate in the county of *Middlesex* to the uses of his marriage settlement.
25. An act to enable *George Seton* of *Barnes*, to sue or maintain any action or suit, notwithstanding his attainder, and to remove any disability in him, by reason of his said attainder, to take or inherit any real or personal estate, that may or shall hereafter descend or come to him.
26. An act to enable *James Rollo*, only son of *Robert Rollo*, late of *Powhouse*, deceased, to sue or maintain any action or suit, notwithstanding his attainder, and to remove any disability in him, by reason of his said attainder, to take or inherit any real or personal estate that may or shall hereafter descend or come to him.
27. An act to enable *Jordan Langdale* of *Cliff* in the county of *York*, to sue or maintain any action or suit, notwithstanding his outlawry, and to remove any disability in him, by reason of his said outlawry, to take or inherit any real or personal estate that may or shall hereafter descend or come to him, and also such real estate as he was intitled unto in reversion or remainder before his said outlawry.
28. An act for dividing and inclosing certain open and common fields within the lordship and parish of *Stallingborough* in the county of *Lincoln*.
29. An act to enable *Edward Mountfort*, and his issue male by *Mary* his now wife, to take and use the surname of *Grosvenor*.
30. An act for naturalizing *Bartholomew Barratty*, *Bartholomew Gallatin*, *Francis Perrier*, and *James Sollier*.

Anno 11 Georgii II.

- Cap. 1. For continuing the duties upon malt, mum, cyder, and perry, in that part of *Great Britain* called *England*, and for granting to his Majesty certain duties upon malt, mum, cyder, and perry, in that part of *Great Britain* called *Scotland*, for the service of the year one thousand seven hundred and thirty eight.
- Cap. 2. For punishing mutiny and desertion, and for the better payment of the army and their quarters.
- Cap. 3. For repairing the road leading from the *Trent Bridge* in the county of the town of *Nottingham*, through *Cofstock*, otherwise *Cortlingstock Lane*, to the bridges, commonly known by the name of *Cotes Bridges*, in the county of *Leicester*.
- Cap. 4. For laying a duty of two pennies *Scots*, or one sixth part of a penny sterling, upon every *Scots* pint

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pint of ale and beer which shall be brewed for sale, brought into, vend- ed, tapped, or sold within the town of *Aberbrothock*, and liberties there- of.

Cap. 5. For taking down and re- building the church of the parish of *All Saints* in the city of *Worcester*.

Cap. 6. For enlarging the term and powers granted by two acts of par- liament, one of the third and the other of the tenth year of the reign of his late majesty King *George* the First, *For repairing the highways from that part of Counters Bridge which lies in the parish of Kensington in the county of Middlesex, lead- ing through the towns of Brentford and Hounslow, to the Powder Mills in the road to Staines, and to Cran- ford Bridge in the said county, in the road to Colnbrooke.*

Cap. 7. For continuing the term and powers granted and given by the acts passed in the eleventh and twelfth years of the reign of King *William* the third, and in the ninth and tenth days of the reign of his late majesty King *George*, for re- pairing the harbour of *Dover* in the county of *Kent*; and for restor- ing the harbour of *Rye* in the county of *Sussex* to its ancient good- ness.

Cap. 8. For continuing the terms and powers granted and given by the acts passed in the twelfth and thir- teenth year of the reign of his late majesty King *William*, and the tenth year of her late majesty Queen *Anne*, *For recovering, se- curing, and keeping in repair the har- bour of Minehead in the county of Somerset.*

Cap. 9. For the relief of such prison- ers for debt as have by unavoidable accidents lost the benefit of an act passed in the last session of par- liament, intituled, *An act for re- lief of insolvent debtors*; and for the indemnity of such sheriffs and gaol-

lers as have incurred any penalties on account of such prisoners not being discharged; and for extend- ing the benefit of the said act to creditors whose debtors were com- mitted to prison since the first day of *January*, one thousand seven hundred and thirty, and were de- tained there upon the first day of *January*, one thousand seven hun- dred and thirty six, and have chose to continue there.

Cap. 10. For enlarging the term and powers granted and given by an act passed in the twelfth year of the reign of his late majesty King *George*, *for repairing the roads from Lemsford Mill in the county of Hertford, to Welwyn, and from thence to Cory's Mill, and from Welwyn through Codicot, to Hit- chen in the said county; and also for repairing the roads from Cory's Mill to Hitchen aforesaid.*

Cap. 11. For allowing further time for inrolment of deeds and wills made by papists, and for relief of protestant purchasers, devisees, and lessees.

Cap. 12. For continuing of an act made in the sixth year of the reign of his present Majesty, intituled, *An act for the better regulation of lastage and ballastage in the river Thames.*

Cap. 13. to enlarge the term and pow- ers granted by an act of parliament made and passed in the third year of the reign of his late majesty King *George*, intituled, *An act to enable the parishioners of the parish of Saint Mary Rotherhith in the coun- ty of Surrey, by certain funeral rates therein mentioned, to finish the said parish church; and to enable the said parishioners to raise such fur- ther sums of money as shall be ne- cessary for purchasing a convenient piece of ground for an additional burying ground, and for other the purposes therein mentioned.*

Cap.

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- Cap. 14. For granting an aid to his Majesty by a land tax to be raised in *Great Britain*, for the service of the year one thousand seven hundred and thirty eight.
- Cap. 15. To empower the court of lord mayor and aldermen of the city of *London* to set the price upon all coals, commonly called *Sea Coals*, imported into the port of *London* from *Newcastle* and the ports adjacent thereunto, for the space of one year; and to oblige, for the term therein mentioned, fitters and others vending and loading ships with sea coals at *Newcastle* and the ports adjacent thereunto, to deliver such coals to any masters of ships applying for the same; and for further obliging buyers and sellers of sea coals at *Billinggate* or other place of sale within the bills of mortality, to sign their contracts for coals; and for the admeasurement of all carriages whatsoever used in loading ships with coals in the port of *Newcastle*, and members thereunto belonging.
- Cap. 16. For continuing the duty of two pennies *Scots*, or one sixth part of a penny sterling, on each pint of ale and beer that shall be vend- ed or sold within the town of *Inverness*, and privileges thereof, for paying the debts of the said town, and other purposes therein mention- ed.
- Cap. 17. For securing the estates of papists conforming to the protes- tant religion, against the disabili- ties created by several acts of par- liament relating to papists; and for rendering more effectual the several acts of parliament made for vesting in the two universities in that part of *Great Britain* called *England*, the presentations of benefices be- longing to papists.
- Cap. 18. To continue two several acts therein mentioned; one for encouraging the growth of coffee in his Majesty's plantations in *Ame- rica*, and the other for the better securing and encouraging the trade of his Majesty's sugar colonies in *America*.
- Cap. 19. For the more effectual se- curing the payment of rents, and preventing frauds by tenants.
- Cap. 20. For the more effectual se- curing the payments of certain sums of money directed by an act made in the forty third year of the reign of Queen *Elizabeth*, intituled, *An act for the relief of the poor*, to be paid by the respective treasurers of every county in *England* and *Wales*, for the relief of the poor prisoners in the *King's Bench* and *Marsbalsea* prisons.
- Cap. 21. To empower the present trustees under the last will and tes- tament of *John Marsbal* gentleman, deceased, to lay out a certain sum of money, now in their hands, for pulling down and rebuilding the parish church of *Christ Church* in the county of *Surrey*; and for in- closing a piece of ground lately pur- chased for an additional church yard to the said church.
- Cap. 22. For punishing such persons as shall do injuries and violences to the persons or properties of his Majesty's subjects, with intent to hinder the exportation of corn.
- Cap. 23. To explain and amend an act passed in the eighth year of his present Majesty's reign, intituled, *An act for rebuilding the parish church of Saint Leonard Shoreditch in the county of Middlesex*.
- Cap. 24. To amend an act passed in the twelfth and thirteenth year of the reign of King *William the Third*, intituled, *An act for preventing any inconveniencies that may happen by privilege of parliament*.
- Cap. 25. For building a bridge cross the river *Thames* from the *Woollsta- ple*, or thereabouts, in the parish of *Saint Margaret* in the city of *Westmin-*

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Westminster, to the opposite shore in the county of Surrey.

Cap. 26. For enforcing the execution of an act made in the ninth year of his present Majesty's reign, intituled, *An act for laying a duty upon the retailers of spirituous liquors, and for licensing the retailers thereof.*

Cap. 27. For granting to his Majesty the sum of two millions for the service of the year one thousand seven hundred and thirty eight; and for paying to the governor and company of the bank of England one million, for redeeming an annuity of forty thousand pounds payable to them; and for the further appropriating the supplies granted in this session of parliament.

Cap. 28. For the better regulating the manufacture of narrow woollen cloths in the *West Riding* of the county of York.

Cap. 29. For repairing the road from *Shoreditch Church* through *Hackney*, to *Stanford Hill*, and cross *Cambridge Heath*, over *Bethnal Green*, to the turnpike at *Mile End* in the county of *Middlesex*.

Cap. 30. For explaining and amending an act of the eighth year of his present Majesty's reign, intituled, *An act for the application of the rents and profits of the estates forfeited by the attainders of James late earl of Derwentwater, and Charles Radcliffe.*

Cap. 31. To indemnify persons who have omitted to qualify themselves for offices, or to read the prayers and make the declarations and subscriptions required within the respective times limited by law; and for allowing further time for those purposes.

Cap. 32. For enlarging the time granted by an act passed in the third year of the reign of his late majesty King George, intituled, *An act for enlarging the time granted by an act passed in the eighth year of the*

reign of her late Majesty Queen Anne, intituled, An act for making a convenient dock or basin at Liverpool, for the security of all ships trading to and from the said port of Liverpool, and for enlarging the same, by making an additional dock, and building a pier in the open harbour there; and for enlightening the said dock.

Cap. 33. For repairing the roads from the town of *Loughborough* in the county of *Leicester* to the town of *Derby* in the county of *Derby*, and from the said town of *Derby*, to the town of *Brassington* in the said county of *Derby*, and from the said town of *Derby*, through the town of *Ashborne* in the said county of *Derby*, to *Hurdloe House* in the parish of *Hartington* in the said county.

Cap. 34. For the effectual draining and preservation of certain fens called *Catdole Fen*, *Waterden*, and *Redmoor*, and one piece of fen ground called *The Holts* in the *Isle of Ely* in the county of *Cambridge*.

Cap. 35. For the better enlightening the open places, streets, lanes, passages, and courts, and for the better regulating the nightly watch and bedels within the parish of *Christ Church* in the county of *Middlesex*.

Cap. 36. For enlarging the terms and powers granted by two acts of parliament, one of the fourth, and the other of the sixth year of the reign of his late majesty King George the first, for the repairing the roads from the *Stones End* in *Kent Street*, in the parish of *Saint George* in *Southwark* in the county of *Surrey* (leading to the *Lime Kilns* in *East Greenwich*) to the first *Mill Pond* at *South End*, in the parish of *Lewisham* in the county of *Kent*; and for amending the road from *Westminster Ferry* at *Lambeth* in the said county of *Surrey*, to *New Cross* in *Deptford* in the said county of *Kent*; and for amending and making

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ing the said acts more effectual ; and for amending the roads from the *Lime Kilns* aforesaid to the town of *Dartford* in the said county ; and from a place called *Saint Thomas a Waterings*, in the said parish of *Saint George*, to the *Stones End* in *Bermondsey Street* in the said county of *Surrey*.

Cap. 37 For enlarging the term and powers granted in and by an act made in the tenth year of her late majesty *Queen Anne*, For enlarging, amending, and maintaining the road between *Northfleet*, *Gravesend*, and *Rochester*, in the county of *Kent* ; and also another act made in the eleventh year of his late majesty *King George the First*, For enlarging the term granted by the said former act, and for other purposes therein mentioned, and for explaining and amending the said acts ; and also for repairing the highway from *Northfleet* aforesaid to *Dartford* in the said county.

Cap. 38. For vesting the real and personal estate of *Hugh Naish* esquire, who was late a prisoner in his Majesty's prison of the *Fleet*, and escaped out of the same, in trustees for the benefit of his creditors.

Cap. 39. To enable the adventurers, owners, and proprietors of the taxable lands, and the owners and proprietors of the free lands in *Deeping Fens*, and other fens in the county of *Lincoln* therein mentioned, to raise a competent sum of money for the effectual draining and future preservation of all the said fens, according to their agreement in that behalf, and to carry the said agreement into execution, and for other the purposes therein mentioned.

Private Acts.

Anno 11 Georgii II.

1. An act for naturalizing *Abraham Blydeslynn*.

2. An act for vesting the manor of *Goldborn*, part of the settled estate of *William duke of Devonshire*, in the county of *Lancaster*, in the said duke and his heirs, and for settling the manor of *Blackwall* in the county of *Derby* in lieu thereof, to the like uses.

3. An act for vesting divers lands and hereditaments in the counties of *Kent*, *Sussex*, *Essex*, *Hereford*, and *Monmouth*, and the city of *London*, entailed by the will of *Elizabeth* late dutchess of *Bedford*, in *John duke of Bedford* in fee simple, and for settling other estates in the counties of *Bucks* and *Hertford* of greater value to the like uses, in lieu thereof.

4. An act for vesting certain lands and hereditaments in the kingdom of *Ireland*, part of the settled estate of *Richard earl of Burlington* and *Cork*, in trustees to be sold for payment of debts, and for settling other lands and hereditaments of greater value to the same uses.

5. An act for explaining and amending a certain trust and power, contained in the settlement made on the marriage of *Richard lord viscount Molineux* of the kingdom of *Ireland*, with *Mary lady Molineux* his now wife, for raising portions for the daughters of the said marriage, and for the better ascertaining and more effectually securing the said portions.

6. An act to dissolve the marriage of *Sir William Morice* baronet, with lady *Lucy Wharton*, and to enable him to marry again, and for other purposes therein mentioned.

7. An act to enable *Sir Bryan Broughton* baronet, an infant, to enter into marriage articles, notwithstanding his infancy.

8. An act for exchanging part of the glebe lands and hereditaments belonging to the rector of *Stratford Toney* in the county of *Wilt*, for other

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- other lands belonging to the lord of the manor.
9. An act to enable trustees to grant building leases of certain messuages in the parishes of *Saint Martins in the Fields* and *Saint Clement Danes* in the county of *Middlesex*, late the estate of *Henry May* esquire deceased.
 10. An act for confirming the sale of the leasehold estate late of *Barnaby Coles* gentleman, deceased, and for vesting his freehold estates in trustees, to be sold for payment of his debts.
 11. An act to enable the guardian of *Amy Symes* and *Catharine Symes*, infants, to join in making leases of lands in the counties of *Somerset* and *Devon* with the other owners thereof, during the minority of the said infants.
 12. An act for confirming and establishing an agreement between *William Studholm* gentleman, and *Cuthbert Hodgson* gentleman, in relation to the will and estate of *Michael Studholm* esquire deceased.
 13. An act for sale of part of the estate late of *Robert Packer* esquire, deceased, in the county of *Berks*, for discharging incumbrances thereupon.
 14. An act for vesting certain mills, lands, and hereditaments in the parishes of *Ware* and *Great Amwell* in the county of *Hertford* (being part of the estate of *Thomas Plummer Byde* esquire, an infant, and comprized in his grandfather's marriage settlement) in the governor and company of the *New River* brought from *Chadwell* and *Amwell* to *London*, and their successors, and for securing a perpetual rent charge in lieu thereof, for the benefit of the persons claiming under the said settlement.
 15. An act for enabling *John Sowton* to make a lease or leases of certain messuages and tenements, and a wharf therein mentioned, situate in the parish of *St. Andrew Wardrobe* in the city of *London*.
 16. An act to enable *Dorothea Clark* to sell lands in the county of *Dumfries*, for payment of debts charged thereupon, and to purchase other lands to be settled to the same uses, as the estate to be sold is settled.
 - Cap. 17. An act to enable *John Nairn* to sue or maintain any action or suit, notwithstanding his attainder; and to remove any disability in him by reason of his said attainder, to take or inherit any real or personal estate that may or shall hereafter descend or come to him.
 18. An act to enable *William Douglas*, eldest lawful son to Sir *Robert Douglas* of *Glenbervie*, baronet, to sue or maintain any action or suit, notwithstanding his attainder; and to remove any disability in him, by reason of his said attainder, to take or inherit any real or personal estate that may have descended or come to him since his late Majesty's most gracious pardon, dated the sixth day of *February*, in the sixth year of his reign, or that shall hereafter descend or come to him.
 19. An act for reducing the stint of the horse and beast pastures and sheep commons within the manor town and parish of *Castle Donnington* in the county of *Leicester*.
 20. An act for inclosing and dividing the common fields, wastes, and uninclosed grounds within the manor, township, or hamlet of *Ashenden* in the county of *Bucks*, and for the making effectual certain exchanges therein mentioned.
 21. An act for inclosing and dividing the common mead or moor, called *Speen Mead* or *Speen Moor* in the county of *Berks*.
 22. An act for inclosing and dividing the common fields and common grounds in the manor and parish

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- of *Binbroke* in the county of *Lincoln*.
23. An act to enable *William Massingberd* esquire, heretofore called *William Meux*, and the heirs male of his body, to take and use the surname of *Massingberd*, pursuant to a settlement made by Sir *William Massingberd* baronet, deceased.
24. An act to enable *Thomas May* esquire, and his sons, and the heirs male of their bodies, to take and use the surname of *Knight*, pursuant to the will of *Elizabeth Knight* deceased.
25. An act for naturalizing *John Justin Bruning*, *Peter Untzellman*, *Henry Klenske*, and others.
26. An act for naturalizing *Philip Rigail*.
27. An act to naturalize *Herman Bernard* and *John Bosquain*.
28. An act to naturalize *Frederick Vander Meulen*.

Anno 12 Georgii II.

- Cap. 1. For continuing the duties upon malt, mum, cyder, and perry, in that part of *Great Britain* called *England*; and for granting to his Majesty certain duties upon malt, mum, cyder, and perry, in that part of *Great Britain* called *Scotland*, for the service of the year one thousand seven hundred and thirty nine.
- Cap. 2. For punishing mutiny and desertion; and for the better payment of the army and their quarters.
- Cap. 3. For granting an aid to his Majesty by a land tax to be raised in *Great Britain*, for the service of the year one thousand seven hundred and thirty nine.
- Cap. 4. To enable the inhabitants of the parish of Saint *Nicholas* in the city of *Worcester*, to raise money for discharging the debts they have contracted in rebuilding their parish church.

- Cap. 5. To continue the duties for encouragement of the coinage of money.
- Cap. 6. To indemnify persons who have omitted to qualify themselves for offices and employments within the time limited by law, and for allowing farther time for that purpose.
- Cap. 7. To enable the parishioners of the parish of *Ealing* in the county of *Middlesex*, to raise money by rates upon themselves, for finishing the church of the said parish.
- Cap. 8. For repairing the road between *Stamford* and *Grantham* in the county of *Lincoln*.
- Cap. 9. For applying a sum of money, given by the will of *Daniel Wiseman* esquire, deceased, for finishing the new church at *Woolwich* in the county of *Kent*; and for raising an annuity by an assessment on the parish of *Woolwich*, during the lives of *Mary Wiseman* and *Elizabeth Crouch*, and the life of the survivor of them, pursuant to the said will.
- Cap. 10. For repairing the roads from the north-west parts of the county of *Lincoln*, through *Nettlam-fields*, *Wragby-lane*, and *Baumber-fields*, to the *Wolds* or north-east part of the said county.
- Cap. 11. For enlarging the term and powers granted by an act passed in the sixth year of the reign of his present Majesty, for repairing the road from *Fyfield* in the county of *Berks*, to Saint *John's Bridge* in the county of *Gloucester*; and for repairing the roads from an inn called *The Hinds Head* in the parish of *Kingston Bagpuze* in the said county of *Berks*, to that part of *Newbridge* which stands in the said county of *Berks*.
- Cap. 12. For repairing the roads from *Bakewell* to *Chesterfield* in the county of *Derby*, and from *Chesterfield* to *Worksopp* in the county of *Nottingham*,

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tingham, and from Chesterfield to the place where the northern road meets the Chesterfield road, which leads to Mansfield in the said county of Nottingham.

Cap. 13. For continuing the act made in the eighth year of the reign of her late majesty Queen Anne, to regulate the price and assize of bread; and for continuing, explaining, and amending the act made in the second year of the reign of his present Majesty, for the better regulation of attornies and solicitors.

Cap. 14. For allowing further time for inrolment of deeds and wills made by papists, and for relief of protestant purchasers, devisees, and lessees.

Cap. 15. To enable his Majesty to settle an annuity of fifteen thousand pounds on his royal highness the duke of Cumberland, and the heirs of his body, and also one other annuity of twenty four thousand pounds on either royal highness the princess Amalie, the princess Caroline, the princess Mary, and the princess Louisa.

Cap. 16. For enlarging the term and powers granted by an act passed in the first year of the reign of his present Majesty, intituled, *An act for repairing the road from the Powder Mills on Hounslow Heath in the county of Middlesex, to a place called Basingstone, near the town of Bagshot in the parish of Windlesham in the county of Surrey.*

Cap. 17. To enable the parishioners of the parish of Saint Catharine Coleman in Fenchurch Street, in the city of London, to rebuild the church of the said parish.

Cap. 18. For repairing the road or highway from the Dun Cow in the town of Dunchurch, through the parish of Bilton over Dunsmore Heath, to the town of Hill Morton in the county of Warwick; and

from thence through the several parishes of *Creek, West Haddon, and East Haddon*, in the county of Northampton, to Saint James's End in the parish of *Duston* in the said county of Northampton.

Cap. 19. For granting to his Majesty the sum of five hundred thousand pounds out of the sinking fund, for the service of the year one thousand seven hundred and thirty nine; and for enabling his Majesty to raise the further sum of five hundred thousand pounds out of the growing produce of the said fund; and for the further appropriating the supplies granted in this session of parliament; and for giving time for the payment of duties omitted to be paid for the indentures and contracts of clerks and apprentices.

Cap. 20. For enlarging the term and powers granted by two acts of parliament, one made in the sixth year of the reign of her late Majesty Queen Anne, and the other in the seventh year of the reign of his late majesty King George the First, for repairing and enlarging the highways between the top of *Kingdown Hill* and the city of *Bath*; and for amending several other highways leading to the said city; and for cleansing, paving, and enlightening the streets, and regulating the chairmen there; and for keeping a regular nightly watch within the said city and liberties thereof.

Cap. 21. For taking off the duties upon woollen and bay yarn, imported from *Ireland* to *England*, and for the more effectual preventing the exportation of wooll from *Great Britain*, and of wooll, and wooll manufactured, from *Ireland* to foreign parts.

Cap. 22. To rectify a mistake in an act made in the sixth year of the reign of his late majesty King George for preventing frauds and abuses

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- in the publick revenues of excise, customs, stamp duties, post-office, and house-money, relating to the condition of bonds taken from masters of ships; and to indemnify persons who have acted under the said mistake; and also to obviate a doubt which has arisen upon an act made in the seventh year of his said late Majesty's reign, for the further preventing his Majesty's subjects from trading to the *East Indies* under foreign commissions; and for encouraging and further securing the lawful trade thereto, with regard to prosecutions in *Ireland* in a summary way, for the fraudulent importation of *East India* goods into that kingdom.
- Cap. 23. For providing a reward to *Joanna Stephens*, upon a proper discovery to be made by her, for the use of the publick, of the medicines prepared by her for the cure of the stone.
- Cap. 24. to empower the high court of *Chancery* to lay out, upon proper securities, any monies, not exceeding a sum therein limited, out of the common and general cash in the bank of *England*, belonging to the suitors of the said court, for the ease of the said suitors, by applying the interest arising therefrom for answering the charges of the office of the accountant general of the said court.
- Cap. 25. To obviate some doubts which have arisen upon the construction of an act made in the first year of the reign of King *William* and Queen *Mary*, intituled, *An act for explaining part of an act made in the first year of the reign of King James the First, concerning tanned leather*; and for rendering more effectual a clause in the said last mentioned act, which obliges curriers to curry leather; and for repealing two clauses in the said last mentioned act.
- Cap. 26. For the better preventing frauds and abuses in gold and silver wares.
- Cap. 27. For explaining and amending an act made in the eighth year of the reign of King *Richard* the Second, intituled, *No man of law shall be justice of assize or gaol delivery in his own country*; and another act made in the thirty third year of the reign of King *Henry* the Eighth intituled, *An act that none shall be justice of assize in his own country, &c.*
- Cap. 28. For the more effectual preventing of excessive and deceitful gaming.
- Cap. 29. For the more easy assessing, collecting, and levying of county rates.
- Cap. 30. for granting a liberty to carry sugars, of the growth, produce, or manufacture of any of his Majesty's sugar colonies in *America*, from the said colonies directly to foreign parts, in ships built in *Great Britain*, and navigated according to law.
- Cap. 31. For establishing and well-governing an hospital or infirmary in the city of *Bath*.
- Cap. 32. For ascertaining, preserving, and improving the navigation of the river *Lee*, from the town of *Hertford* to the town of *Ware* in the county of *Hertford*; and for preserving and improving the said river, from the said town of *Ware* to the new cut or river made by the mayor, commonalty, and citizens of *London*; and for enabling the governor and company of the *New River* the better to supply the cities of *London* and *Westminster*, and the liberties and suburbs thereof, with good and wholesome water.
- Cap. 33. To enlarge the powers of the commissioners for building a bridge cross the river *Thames*, from the *Woolstaple*, or thereabouts, in the parish of Saint *Margaret* in the city

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city of *Westminster*, to the opposite shore in the county of *Surrey*; and to enable them by a lottery to raise money for the several purposes therein mentioned; and to enlarge the time for exchanging tickets unclaimed in the last lottery for the said bridge; and to make provision for tickets in the said lottery, lost, burnt, or otherwise destroyed.

Cap. 34. For enlarging the term and powers granted by an act passed in the twelfth year of the reign of his late majesty King *George the First*, for repairing the road from *Spittle-gate Hill* near *Grantham* in the county of *Lincoln*, to *Little Drayton* in the county of *Nottingham*.

Cap. 35. For enlarging the term and powers granted by an act passed in the eighth year of the reign of his late majesty King *George the First*, for amending the highways leading from *Brampton Bridge* to *Walsford Bridge* in the county of *Northampton*; and also the great post road, from *Morter-pit Hill*, in the said county, through *Brixworth*, *Lampport*, *Maidwell*, *Kelmarsh*, and *Oxenden-magna*, to *Chain Bridge*, leading into *Market Harborough* in the county of *Leicester*.

Cap. 36. For prohibiting the importation of books reprinted abroad, and first composed or written, and printed in *Great Britain*; and for repealing so much of an act made in the eighth year of the reign of her late majesty Queen *Anne*, as impowers the limiting the prices of books.

Private Acts.

Anno. 12 Georgii II.

1. An act for naturalizing *Jacob Hoffbam Murison*, *Nathaniel Voogd*, *Samuel Cley*, and others.
2. An act for naturalizing *James Nadal*, *William René Morin*, and *Charles Delon*.
3. An act for sale of part of the estate

late of *Richard Berney* esquire, deceased, for discharging incumbrances thereupon.

4. An act for vesting a messuage and lands in *Twickenham*, late the estate of the honourable *William Townshend* esquire, deceased, in trustees, in trust to sell the same, pursuant to an article entered into by the said *William Townshend* in his lifetime, and for applying the money arising by such sale for the benefit of *Charles Townshend*, his only son and heir, an infant.

5. An act for vesting in *Archibald Hamilton* esquire, called lord *Archibald Hamilton*, and his heirs, the lands, tenements, and hereditaments, in the county of *Berks*, therein mentioned, in trust, to convey the same to Sir *William Irby* baronet, and his heirs, and for laying out the purchase-money in the purchase of lands, tenements, and hereditaments, to be settled to the uses and upon the trusts therein mentioned.

6. An act for discharging the estate of *John Sherwin* esquire, in the county of *Hertford*, from the uses trusts, and covenants in his marriage settlement, and for settling an estate in the county of *Nottingham*, and town and county of the town of *Nottingham*, of greater value, in lieu thereof, to the like uses.

7. An act to enable Sir *James Mackenzie* of *Royston*, to sell lands and hereditaments in the sheriffdom of *Edinburgh*, for payment of debts and incumbrances charged upon and affecting the same.

8. An act for vesting the settled estate of *Stamp Brooksbank* esquire, in the counties of *Suffolk* and *Cambridge*, in him and his heirs; and for settling the manor of *Helaugh*, and divers lands and hereditaments in *Helaugh*, in the county of the city of *York*, of greater value, in lieu thereof.

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9. An act for selling and disposing of part of the estate of *John Worth* esquire, a lunatick, for discharging the debts, portions, and incumbrances, charged upon, and affecting the same.
10. An act for confirming certain articles of agreement between the lord of the manor of *Hunmanby*, and the vicar and freeholders of *Hunmanby* in the county of *York*, for inclosing part of the moor of *Hunmanby* aforesaid.
11. An act to enable *John Mould* esquire, and his issue male, to take and use the surname and arms of *Moore*, pursuant to the will of *John Moore* esquire, deceased.
12. An act to enable *John Crouch* esquire, eldest son of *Pyke Crouch* esquire, deceased, and the heirs male of his body, to take and use the surname of *Pyke*, pursuant to the will of *John Pyke* esquire, deceased.
13. An act to enable *Charles Gregory* esquire, now called *Charles Gregory Wade*, and his issue male, to use the surname of *Wade*.
14. An act to enable *Risley Brewer*, and his heirs, to take and use the surname and arms of *Risley*, pursuant to the will of *Paul Risley* esquire, deceased.
15. An act for naturalizing *James Tracy*, *Christian Burckhard Reyblen*, *Zacharias Nieman*, and *Susannah Hubert*.
16. An act to enable *Edward* duke of *Norfolk* to grant building leases for ninety nine years, of all or any part of his lands in or near the township of *Sheffield* in the county of *York*.
17. An act for confirming and establishing an exchange, agreed to be made between *Thomas Holles* duke of *Newcastle*, and *Sir Miles Stapylton* baronet, of their settled estates in the county of *York*; and for settling the lands given in exchange to each party, to such uses as the lands, for which the same are exchanged, stood settled.
18. An act to enable the most noble *William* duke of *Portland* to grant building leases of certain messuages, pieces and parcels of ground in *Soho Fields* in the county of *Middlesex*, for a further term than he is empowered to grant by his marriage settlement.
19. An act for discharging several lands in *Noseley* in the county of *Leicester*, purchased by the executors of *Philip* earl of *Chesterfield*, deceased, from the uses and limitations contained in the will of the said earl; and for vesting the same lands in trustees to be sold; and with the money arising thereby to purchase other lands to be settled to the same uses.
20. An act for discharging part of the settled estate of *William* earl *Cowper*, in the county of *Hertford*, from the uses and limitations of a former settlement; and for settling and securing an equivalent for the same, to the like uses.
21. An act for sale of part of the estate of *William* earl of *Inchiquin* in the kingdom of *Ireland*, for payment of the debts and incumbrances charged thereupon; and for settling such part thereof as shall remain unsold, according to his marriage agreement.
22. An act to establish and confirm an agreement made between *Sir William Courtenay* baronet, and his brother *Henry Reginald Courtenay* esquire, and to render the same effectual for the several uses and purposes therein mentioned.
23. An act to establish a jointure on dame *Elizabeth Dashwood*, wife of *Sir James Dashwood* baronet; and for other purposes therein mentioned.
24. An act for the exchange of certain lands in the several parishes of *Wroughton* and *Liddyard Treagoose* in

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- in the county of *Wills*, between the governors of the hospital commonly called the *Charter-House*, and *Thomas Benet* of *Salthrop* in the said county of *Wills*, esquire.
25. An act to enable the acting executors and testamentary guardians named in the will of *Edward Warren* late of *Pointon* in the county of *Chester*, esquire, deceased, by selling part, and leasing other parts of his settled estate, to raise money for discharging the incumbrances thereon, and to provide a sufficient maintenance for his son during his minority, in case of an estate directed to be sold by the will of *John Warren* esquire, deceased.
26. An act for confirming certain articles of agreement made between *Edward Westall* and his wife, and *Robert Carr* an infant, and others; and to enable the said *Robert Carr* to perform a contract for sale of certain lands therein mentioned.
27. An act for sale of part of the estate of *Jordan Langdale* esquire, in the county of *York*, for payment of debts and incumbrances affecting the same.
28. An act for sale of part of the estate late of *Str John Lear* baronet deceased, in the county of *Devon*, for payment of his debts; and for other purposes therein mentioned.
29. An act for vesting divers lands and hereditaments in the county of *Somerset*, being part of the settled estate of *Thomas Fownes* esquire, in trust to be sold; and for settling other lands in the county of *Devon*, of greater value, to the same uses, in lieu thereof.
30. An act for inclosing part of certain common fields in the township of *Pailton* in the county of *Warwick*.
31. An act for inclosing part of a common, or waste grounds, called *Hill-side*, otherwise *Lambden Common*, in the manor and parish of *Odibam* and county of *Southampton*.
32. An act for dividing and inclosing the common fields lying in the manor of *Shipton Moyne*, within the parish of *Shipton Moyne* and *Dovel* in the county of *Gloucester*, commonly called the *North and South Common Fields*.
33. An act to enable *John Bell* esquire, and his issue, to take and use the surname of *Lane*, and the arms of *James* lord viscount *Lanesborough*, deceased, pursuant to his will.
34. An act for naturalizing *Adrian Colleté Ducarel*.
35. An act for naturalizing *John Desbons*.

Anne 13 Georgii II.

- Cap. 1. For continuing the duties upon malt, mum, cyder, and perry, in that part of *Great Britain* called *England*; and for granting to his Majesty certain duties upon malt, mum, cyder and perry, in that part of *Great Britain* called *Scotland*, for the service of the year one thousand seven hundred and forty.
- Cap. 2. For granting an aid to his Majesty by a land tax to be raised in *Great Britain*, for the service of the year one thousand seven hundred and forty.
- Cap. 3. For the better supply of mariners and seamen to serve in his Majesty's ships of war, and on board merchant ships, and other trading ships, and privateers.
- Cap. 4. For the more effectual securing and encouraging the trade of his Majesty's *British* subjects to *America*, and for the encouragement of seamen to enter into his Majesty's service.
- Cap. 5. For making more effectual three several acts of parliament, one of the sixth year of the reign of her late Majesty *Queen Anne*,

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another of the eleventh year of the reign of his late majesty King *George*, *For repairing the highways from Old Stratford in the county of Northampton, to Dunchurch in the county of Warwick*; and the third made in the tenth year of his present Majesty's reign, for making more effectual the said two former acts.

Cap. 6. To indemnify persons who have omitted to qualify themselves for offices and employments, within the time limited by law, and for allowing further time for that purpose.

Cap. 7. For naturalizing such foreign protestants, and others therein mentioned, as are settled, or shall settle, in any of his Majesty's colonies in *America*.

Cap. 8. To explain and amend an act made in the first year of the reign of her late majesty Queen *Anne*, intituled, *An act for the more effectual preventing the abuses and frauds of persons employed in the working up the woollen, linen, fustian, cotton, and iron manufactures of this kingdom*; and for extending the said act to the manufactures of leather.

Cap. 9. For repairing the road between *Hockliffe* in the county of *Bedford*, and *Stony Stratford* in the county of *Buckingham*.

Cap. 10. For punishing mutiny and desertion; and for the better payment of the army and their quarters.

Cap. 11. For the more effectual improving the navigation of the river *Dun*, from a place called *Willick-house*, in the parish of *Bramby-dun* in the county of *York*, to *Fisblock-ferry* in the same county.

Cap. 12. For making a chapel lately built by *Robert Downes* goldsmith, and others, in the town of *Sheffield* in the county of *York*, a perpetual cure and benefice; and for making a provision for the maintenance of the curate or minister of the said

chapel, pursuant to an agreement for that purpose.

Cap. 13. For providing a marriage portion for the princels *Mary*.

Cap. 14. For making more effectual two acts of parliament passed in the seventh and tenth years of her late majesty Queen *Anne*, *For preserving and enlarging the harbour of Whitehaven in the county of Cumberland*; and for repairing and amending the high roads leading to the said harbour and town of *Whitehaven*.

Cap. 15. For continuing and making more effectual an act passed in the fifth year of the reign of his late majesty King *George* the First, *For repairing the roads from the top of Stoken Church Hill to Enslow-bridge, and the road from Wheatley-bridge through the city of Oxon, by Begbrook, to New Woodstock in the county of Oxon (except the mile-way on each side of the said city)* and for repairing the road from the *Crown alehouse* to the turnpike on *Stoken-church Hill* afore said.

Cap. 16. To give further powers to the commissioners for building a bridge cross the river *Thames*, from the city of *Westminster* to the opposite shore in the county of *Surrey*; and to enable them to raise a further sum of money towards finishing the said bridge, and to perform the other trusts reposed in them.

Cap. 17. For the increase of mariners and seamen to navigate merchant ships, and other trading ships or vessels.

Cap. 18. To continue several laws therein mentioned; for punishing such persons as shall wilfully and maliciously pull down or destroy turnpikes for repairing highways, or locks, or other works erected by authority of parliament for making rivers navigable; for preventing exactions of the occupiers of locks and wears upon the river of *Thames*

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Thames westward, and for ascertaining the rates of water carriage upon the said river; and for preventing frivolous and vexatious arrests; and for better securing the lawful trade of his Majesty's subjects to and from the *East Indies*, and for the more effectual preventing all his Majesty's subjects trading thither under foreign commissions; and for limiting the time for suing forth writs of *Certiorari* upon proceedings before justices of the peace, and for regulating the time and manner of applying for the same; for the better and more speedy execution of process within particular franchises or liberties; and for extending the powers and authorities of justices of the peace of counties, touching county rates, to the justices of the peace of such liberties and franchises as have commissions of the peace within themselves.

Cap. 19. To restrain and prevent the excessive increase of horse races; and for amending an act made in the last session of parliament, intituled, *An act for the more effectual preventing of excessive and deceitful gaming.*

Cap. 20. For more effectually preventing fraudulent qualifications of persons to vote as freeholders in the election of members to serve in parliament, for such cities and towns as are counties of themselves, in that part of *Great Britain* called *England*.

Cap. 21. For further and more effectually preventing the wilful and malicious destruction of collieries and coal works.

Cap. 22. For enlarging the term and powers granted and given by an act passed in the tenth year of the reign of his late majesty King *George the First*, intituled, *An act for repairing the road leading from Dunchurch in the county of Warwick,*

to the bottom of Meriden Hill in the same county; and for making the said act more effectual.

Cap. 23. For granting to his Majesty the sum of one million out of the sinking fund, for the service of the year one thousand seven hundred and forty; and for enabling his Majesty to raise the further sum of two hundred thousand pounds out of the growing produce of the said fund; and for granting to his Majesty the sum of twenty one thousand pounds, one shilling, and eight pence halfpenny, remaining in the receipt of his Majesty's exchequer, arisen by sale of lands in the island of *Saint Christopher's*; and for the further appropriating the supplies granted in this session of parliament.

Cap. 24. for amending and enforcing the laws relating to rogues, vagabonds, and other idle and disorderly persons, and for reducing the same into one act of parliament; and also for amending the laws for erecting, providing, and regulating houses of correction.

Cap. 25. For the more effectual maintenance and well-keeping of *Staines Bridge* and *Egham causeway*, being the highway from *London* to the west parts of *England*.

Cap. 26. to revive, explain, and amend an act made in the sixteenth and seventeenth years of the reign of his late majesty King *Charles the Second*, intituled, *An act for making the river of Medway navigable, in the counties of Kent and Sussex.*

Cap. 27. For prohibiting commerce with *Spain*.

Cap. 28. For continuing the several laws therein mentioned, relating to the premiums upon the importation of masts, yards, and bowsprits, tar, pitch, and turpentine; to *British-made* sail cloth, and the duties payable on foreign sail cloth; to the *Greenland* and to the whale fishery;

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fishery; for granting a further bounty for all ships employed in the whale fishery during the present war; for exempting harpooners and others employed in the *Greenland* fishery trade, from being impressed; and for giving further time for the payment of duties omitted to be paid for the indentures and contracts of clerks and apprentices.

Cap. 29. For confirming and enlarging the powers granted by his Majesty to the governors and guardians of the hospital for the maintenance and education of exposed and deserted young children, by his most gracious charter, bearing date the seventeenth day of *October*, in the year of our Lord one thousand seven hundred and thirty nine, and to enable them to execute the good purposes of the said charter.

Cap. 30. For farther enlarging the term granted by an act of the ninth and tenth years of the reign of King *William the third*, For *cleansing and making navigable the channel from the Hith at Colchester to Wivenhoe*; and for making the said act, and another act of the fifth year of the reign of his late majesty King *George the First*, For *enlarging the term granted by the said act of the ninth and tenth years of the reign of King William the Third*, more effectual.

Private Acts.

Anno 13 Georgii II.

1. An act for naturalizing *John-George Liebenrood, Bartholomew Christopher Lutgens*, and others.
2. An act for explaining several powers contained in the will of *William late lord Craven*, for making jointures and leases, and for rendering the same powers more effectual for the purposes thereby intended.
3. An act for confirming and establishing an exchange, agreed upon between the lord of the manor, and

the rector of the parish church of *Great Bircham* in the county of *Norfolk*; and for promoting and facilitating an inclosure, intended to be made of divers commons, common pasture, and waste grounds, lying in the said parish of *Great Bircham*.

4. An act to enable *William Grierison*, the eldest son of Sir *Robert Grierison of Log*, baronet, to sue or maintain any action or suit, notwithstanding his attainder; and to remove any disability in him, by reason of his said attainder, to take or inherit any real or personal estate, that may have descended or otherwise come to him, since his late Majesty's most gracious pardon, dated the twenty ninth day of *June*, in the eleventh year of his reign, or that shall hereafter descend or otherwise come to him.
5. An act to enable *Thomas Bettessworth* esquire, and his heirs male, to take and use the surname of *Bilson*, pursuant to the will of *Leonard Bilson* esquire deceased.
6. An act for naturalizing *Amalie Sophie de Wallmoden*.
7. An act for naturalizing *Anthony Vaxeille, Stephen Saint Andre*, and others.
8. An act for naturalizing *Isaac Olier, Christian Schutte, John Daniel Cotrin*, and *Henry Lyell*.
9. An act to explain and enlarge the several powers for appointing portions and settling jointures, which are contained in certain letters patent bearing date the twenty second day of *October*, in the twenty sixth year of the reign of King *Charles the Second*, whereby certain yearly pensions issuing out of the hereditary revenue of excise, do now stand limited to *William duke of Cleveland*, and *Charles duke of Grafton*, and the heirs male of their bodies respectively.
10. An act for vesting the inheritance of

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- of part of the estate of *George* late earl of *Halifax*, deceased, in trustees, for payment of his debts, daughters portions, and legacies.
11. An act for confirming and establishing certain articles of agreement made between *Maurice Conyers* esquire, lord of the manor of *Rusthall* in the county of *Kent*, and the right honourable *William* lord *Abergourney*, and other freehold tenants of the said manor, relating to certain buildings and inclosures made and erected in and upon part of the wastes of the said manor, and for making the said agreement more effectual, for the purposes thereby intended.
 12. An act to enable *Sir William Morris* baronet, to grant to the incumbent of the parish church of *Werrington* in the county of *Devon*, and his successors, and the parishioners of the said parish, a piece of ground belonging to the capital messuage of *Werrington* in the said county.
 13. An act for establishing and confirming an agreement between *William Gore* esquire, executor of *Edward Gore* esquire, deceased, and *Mary Gore*, widow of *Thomas Gore* esquire, deceased, for herself, and on the behalf of *Charles Gore* an infant, relating to the sum of three thousand pounds, paid by *Francis Freeman* gentleman, to the said *Edward Gore*.
 14. An act for exchanging several lands and grounds belonging to *Thomas Inwen* esquire, in the parish of *Weston* in the county of *Bedford*, for other lands of equal value in the same parish, belonging to the master, fellows, and scholars of *Sidney-Sussex College* in *Cambridge*.
 15. An act for selling part of the settled estate of *Henry Talbot* esquire, in the counties of *Warwick* and *Derby*, and for settling another estate in the county of *Rutland*, of greater value, to the same uses.
 16. An act for making divisions, inclosures, and allotments of the open corn fields, and common pasture, in the lordship of *Bewbalden*, otherwise *Bewham*, in the parish of *Nunkeeling* in the county of *York*; and for settling and establishing the payment of a yearly sum to the impropiators of the rectory of *Nunkeeling* aforesaid, and their heirs, in lieu of tithes arising within the said lordship, pursuant to an agreement between the said impropiators, and the proprietors of the said lands.
 17. An act for confirming and establishing articles of agreement, and an award, for dividing and inclosing of a common down, and for dividing, inclosing and exchanging of lands lying in the tithing of *Charlton* in the parish of *Andover* in the county of *Southampton*.
 18. An act for dividing and inclosing the common fields in the parish of *Strivichall*, alias *Stichall*, in the county of the city of *Coventry*.
 19. An act for inclosing and dividing the common fields, common pastures, and waste grounds, lying within the manor and township of *Gunnerton*, in the county of *Norshumberland*.

Anno 14 Georgii II.

- Cap. 1. For granting an aid to his Majesty by a land tax, to be raised in *Great Britain*, for the service of the year one thousand seven hundred and forty one.
- Cap. 2. For continuing the duties upon malt, mum, cyder, and perry, in that part of *Great Britain* called *England*; and for granting to his Majesty certain duties upon malt, mum, cyder, and perry, in that part of *Great Britain* called *Scotland*, for the service of the year one thousand seven hundred and forty one.

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- Cap. 3. To prohibit, for a time therein limited, the exportation of corn, grain (rice excepted) meal, malt, flour, bread, biscuit, starch, beef, pork, and bacon.
- Cap. 4. To empower *Joseph Porter, James Bourdieu, and Abraham Desmarette*, to import a certain quantity of raw silk of the growth of *Spain* from *Leghorn*.
- Cap. 5. For making the chapelry of *Nether Knutsford* in the parish of *Rosthern* and county of *Chester*, a separate and distinct parish; and for erecting a parish church therein, endowing the same, settling the right of presentation thereto, and other purposes.
- Cap. 6. To render the laws more effectual for preventing the stealing and destroying of sheep, and other cattle.
- Cap. 7. For licensing the importation of victual from *Ireland*, and other parts beyond the seas, into *Scotland*, in time of dearth and scarcity.
- Cap. 8. For incorporating the undertakers of the navigation of the river *Dee*.
- Cap. 9. For punishing mutiny and desertion; and for the better payment of the army and their quarters.
- Cap. 10. To explain and amend an act made in the third year of the reign of King *James the First*, intituled, *An act for the recovering of small debts, and for the relieving of poor debtors, in London*.
- Cap. 11. For supplying the city of *Gloucester* with fresh water.
- Cap. 12. For enlarging the terms and powers granted by two acts of parliament, *For repairing the roads leading from Seven-oaks to Woodsgate and Tunbridge-wells, and from Woodsgate to Kipping's-cross in the county of Kent; and also for repairing the roads from Kipping's-cross aforesaid, to Lamberhurst Pound, and Pullen's Hill in the said*
- county, and to Flimwell Vent in the county of Suffex.*
- Cap. 13. To enlarge the terms and powers granted by three several acts made in the ninth and twelfth years of the reign of her late majesty Queen *Anne*, and in the thirteenth year of the reign of his late majesty King *George the First*, *For amending the highways leading from Roylton in the county of Hertford, to Wansford Bridge in the county of Huntingdon, so far as the same relate to the roads lying in the middle and south divisions of the said highways.*
- Cap. 14. To enlarge the terms and powers granted by an act made in the first year of his present Majesty's reign, intituled, *An act for repairing the road leading from Chatteris Ferry (which divides the isle of Ely from the county of Huntingdon) to Hammond's Eau, and from thence to Somersham Bridge at Somersham town's end in the said county.*
- Cap. 15. For finishing and completing the parish church of *Gainsborough* in the county of *Lincoln*.
- Cap. 16. For enlarging the term and powers granted by an act made in the twelfth year of the reign of his late majesty King *George the First*, intituled, *An act for repairing the roads in the parishes of Kensington, Chelsea, and Fulham, and other parishes therein mentioned, in the county of Middlesex; and for repairing some other roads in the parish of Saint George Hanover Square, and the said parishes of Kensington and Chelsea.*
- Cap. 17. To prevent inconveniencies arising from delays of causes after issue joined.
- Cap. 18. To indemnify persons who have omitted to qualify themselves for offices and employments within the time limited by law, and for allowing further time for that purpose.

Cap.

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- Cap. 19. For repairing the roads from a place called *Redhouse*, near *Doncaster*, to *Wakefield*; and through the said town of *Wakefield*, by *Dewsbury*, *Hightown*, and *Lighcliffe*, to the town of *Halifax*, in the west riding of the county of *York*.
- Cap. 20. To amend the law concerning common recoveries, and to explain and amend an act made in the twenty ninth year of the reign of King *Charles the Second*, intituled, *An act for prevention of frauds and perjuries*, so far as the same relates to estates *pur auter Vie*.
- Cap. 21. To indemnify protestant purchasers of estates of papists, against the penalties or forfeitures papists are liable to, for not having inrolled their estates, in pursuance of an act of the third year of the reign of his late majesty King *George the First*, for that purpose.
- Cap. 22. For granting and continuing the duties upon salt, and upon red and white herrings, for the further term of seven years; and for allowing rock salt to be used in making of salt from sea water at the salt works at *Neath* in the county of *Glamorgan*.
- Cap. 23. For repairing the road from *Wakefield* to *Pontefract*, and from thence to a place called *Weeland* in the township of *Henshall*, and from *Pontefract* to *Wentbridge* in the township of *Darrington*, in the west riding of the county of *York*.
- Cap. 24. For the effectual draining and preservation of *Waterbeach Level* in the county of *Cambridge*, and to establish an agreement made between the lord of the manor of *Waterbeach cum Denny*, and the commoners within the said manor.
- Cap. 25. For repairing the road leading from *Eland* to the town of *Leeds* in the west riding of the county of *York*.
- Cap. 26. For making a chapel lately built by *John Coppin* esquire, at *Market Street* in the parish of *Ca-dington* in the county of *Hertsford*, a perpetual cure and benefice; and for other purposes therein mentioned.
- Cap. 27. To enable the parishioners of the parish of *Saint Botolph* without *Algate*, in the city of *London*, and county of *Middlesex*, to rebuild the church of the said parish.
- Cap. 28. For repairing the roads from *Doncaster* through *Ferry-bridge*, to the south side of *Tadcaster Cross*; and also from *Ferry-bridge* to *Weatherby*, and from thence to *Borough-bridge* in the county of *York*.
- Cap. 29. For enlarging the term and powers granted by an act passed in the twelfth year of the reign of his late majesty King *George the First*, intituled, *An act for repairing and widening the road from Horsley Upright Gate, leading down Bowden Hill in the county of Wilts, to the top of Kingdown Hill in the parish of Box in the said county*.
- Cap. 30. For appointing new commissioners and trustees for putting in execution an act passed in the eighth year of the reign of her late majesty Queen *Anne*, intituled, *An act for vesting the estate and effects of John Coggs, and John Dann, goldsmiths and copartners, in trustees, for the speedier payment of their creditors, and for determining differences thereupon*.
- Cap. 31. For repairing the road from *Doncaster* (through the parish of *Peniston*) in the county of *York*, to *Salter's Brook* in the county of *Chester*; and also the road from *Rotherham* in the said county of *York*, to *Hartcliffe Hill* in the said parish of *Peniston*.
- Cap. 32. For repairing and enlarging the roads from the town of *Selby* in the west riding of the county of *York*, to the town of *Leeds*; and from thence (in two several branches, one through *Bradford* and *Hor-*

A TABLE of the STATUTES.

Horton, and the other through Bowling and Wibsey) to the town of Halifax in the same riding.

Cap. 33. To supply some defects in the laws for repairing and rebuilding county bridges, for repairing, enlarging, erecting, and providing houses of correction, and for passing rogues and vagabonds.

Cap. 34. To continue an act for relief of debtors with respect to the imprisonment of their persons, and two subsequent acts for explaining and amending the same; and also to continue an act for the free importation of cochineal and indico.

Cap. 35. For continuing an act passed in the seventh year of the reign of his present Majesty, *To explain and amend a former act passed in the eleventh year of the reign of his late majesty King George the First, For the better regulating the manufacture of cloth in the west riding of the county of York, and for making the said acts more effectual.*

Cap. 36. For opening a trade to and from *Persia* through *Russia*.

Cap. 37. For restraining and preventing several unwarrantable schemes and undertakings in his Majesty's colonies and plantations in *America*.

Cap. 38. For the encouragement and increase of seamen, and for the better and speedier manning his Majesty's fleet.

Cap. 39. For surveying the chief ports and head lands on the coasts of *Great Britain* and *Ireland*, and the islands and plantations thereto belonging in order to the more exact determination of the longitude and latitude thereof.

Cap. 40. To enable the commissioners for building a bridge across the river *Thames*, from the city of *Westminster*, to the opposite shore in the county of *Surrey*, to raise a further sum of money towards finishing the said bridge, and to perform the other trusts reposed in them, and

for exchanging of tickets unclaimed in the *Westminster* bridge lottery of the twelfth year of his present Majesty's reign, and for making provision for tickets in the said lottery, lost, burnt, or otherwise destroyed.

Cap. 41. For granting to his Majesty the sum of one million of the sinking fund, and for applying other sums therein mentioned, for the service of the year one thousand seven hundred and forty one; and for allowing a drawback of the duties upon coals used in fire engines for draining tin and copper mines in the county of *Cornwall*; and for appropriating the supplies granted in this session of parliament; and for making forth duplicates of exchequer bills, lottery tickets, and orders, lost, burnt, or otherwise destroyed; and for giving further time for the payment of duties omitted to be paid for the indentured and contracts of clerks and apprentices.

Cap. 42. For the preservation of the publick roads in that part of *Great Britain* called *England*.

Cap. 43. To enable *Thomas Smith* esquire, lord of the manor of *Farington*, in the county of *Southampton*, to supply the town of *Portsmouth*, and parts adjacent, with good and wholesome water, at his own proper costs and charges.

Private Acts.

Anno 14 Georgii II.

1. An act for naturalizing *John De Pestors*, esq;
2. An act for enabling *Robert duke of Manchester* to make a jointure on his present dutchess, and to make leases of certain parts of his estate, and for other purposes therein mentioned.
3. An act for vesting the seat and estates of *Nicholas* late earl of *Scarborough*, deceased, in the several counties

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- ties of *Derby* and *Nottingham*, comprized in his settlement and will, and the furniture there at his death, in trustees, to be sold for speedier payment of his debts, and preserving the surplus, to go according to his said settlement and will.
4. An act for vesting in *William Wildman*, lord viscount *Barrington* in the kingdom of *Ireland*, for life, certain messuages and tenements in the city of *London*, late the estate of *Mary* lady viscountess *Barrington*, his wife, upon the terms mentioned in their marriage settlement.
 5. An act for enabling *Sir John Jennings*, and *George Jennings* esq; his son (a minor) to convey certain estates in *Surrey* and *Hertfordshire*, for the benefit of the said *George Jennings*, and such wife as he shall marry, and the issue of such marriage.
 6. An act for vesting part of the tithes of *Ryegate*, in the county of *Surrey*, in *Robert Scawen*, esq; and his heirs, and for settling another estate to the uses limited of the said tithes by the will of *Sir William Scawen* knt. deceased.
 7. An act for vesting the freehold and leasehold estates late of *Thomas Lewis* of *Soberton* esq; deceased, in trustees, to be sold for raising money to discharge his debts and legacies.
 8. An act for vesting certain manors, lands, and tenements of *William Hudleston* esq; in trustees, to be sold for payment of his debts.
 9. An act for sale of the estate of *John Neale* esq; in the county of *Bucks*, and for settling another estate in the county of *Warwick*, in lieu thereof.
 10. An act for vesting the settled estate of *Thomas Western* esq; in the county of *Buckingham*, in him and his heirs, and for settling another estate in the county of *Cambridge*, of greater value, to the uses of his marriage settlement, and also for rendering a power of revocation, contained in that settlement, more effectual for the purposes thereby intended.
 11. An act for dividing and inclosing several open fields, pastures, and commons, in the townships of *Great Driffeld* and *Little Driffeld* in the county of *York*, and for settling certain yearly payments to the prebendary of *Driffeld* for the time being, in lieu of his tithes, pursuant to an agreement and an award made for those purposes.
 12. An act for confirming and establishing articles of agreement, and an award, for dividing and inclosing certain common fields, and a common called *Chawton Common*, in the parish of *Chawton* in the county of *Southampton*.
 13. An act for dividing and inclosing the common fields, lying in the manor and parish of *Sherston Magna* in the county of *Wills*.
 14. An act for inclosing and dividing the common fields, common pastures, common meadows, and waste grounds, in the manor and parish of *Brinklow* in the county of *Warwick*.
 15. An act to enable *John Rice*, and his heirs, to take and use the surname of *Tutt*, pursuant to the will of *John Tutt* gentleman, deceased.
 16. An act for enabling *Edward Burnaby*, an infant, and the heirs male of his body, to take the surname of *Greene*, pursuant to the will of *Thomas Greene* esquire, deceased, and for other purposes therein mentioned.
 17. An act to enable *Francis Thistlewaite* esquire, and the heirs male of his body, to take and use the surname of *Whithed*, pursuant to the will and codicil of *Richard Whithed* esquire, deceased.
 18. An act for vesting part of the settled estate of *Thomas Edmunds* esquire, in trustees, to be sold for raising

A TABLE of the STATUTES.

- raising money to discharge the debts of himself and his late father deceased, and for settling another estate of great value in lieu thereof.
19. An act for naturalizing *John Richard Brinkman* esquire.
 20. An act for naturalizing *Martin Kuyck Van Mierop*.
 21. An act for naturalizing *Gedeon Bourdillon, John David Billon, and Matthew Housfeman*.
 22. An act for naturalizing *Eve Superiori*, alias *Smith*.
 23. An act for naturalizing *Ernest Barnerd*.
 24. An act for naturalizing *Everard John Ludewig*.
 25. An act for establishing and confirming a partition agreed to be made, between *Henry* duke of *Beaufort*, and *William* duke of *Portland*, of the several manors, messuages, lands, tenements, and hereditaments, in the counties of *Southernhampton* and *Wilts*; whereof they are seized as tenants in common; and for settling their specific shares and allotments to such uses as their undivided moieties thereof now stand limited; and for other purposes therein mentioned.
 26. An act to enable *William* earl of *Strafford*, an infant of about the age of nineteen years, to make a settlement of his estate upon his marriage with the lady *Anne Campbell*.
 27. An act for explaining and making more effectual an act made in the twelfth year of the reign of his present Majesty, intituled, *An act for discharging part of the settled estate of William earl Cowper in the county of Hertford, from the uses and limitations of a former settlement, and for settling and securing an equivalent for the same, to the like uses*.
 28. An act for enabling the right honourable *Charles* earl of *Arran*, to raise money by sale or mortgage of part of his estate in the kingdom of *Ireland*, for payment of debts, and for other purposes.
 29. An act to enable *George* viscount of *Garnock*, or the succeeding heirs of entail, to sell lands in the counties of *Dunbarton* and *Air*, for payment of debts charged thereupon, and to purchase other lands, to be settled to the same uses as the estate to be sold is settled.
 30. An act for vacating a term of one hundred years, in a voluntary settlement made by *Sir Hugh Clopton*, knight, and for creating a new term of one thousand years, in lieu thereof, for the purposes therein mentioned.
 31. An act for vesting part of the estate of *Francis Pemberton* esquire, in the county of *Cambridge*, in trustees, to be sold for discharging the incumbrances thereon; and for settling another part of his estate to the uses and for the purposes of his marriage settlement.
 32. An act for empowering *Gwyn Vaughan* esquire, and his wife, and their sons, to make leases of the manor of *Kingston Seymour* in the county of *Somerset*, for years determinable on deaths, according to the usage of the country.
 33. An act for naturalizing *Francis D'Abbadie*.

The END of the TABLE.

T H E

STATUTES at Large, &c.

Anno nono GEORGII II. Regis.

AT the parliament begun and holden at Westminster, the (a) fourteenth day of January, (a) *In Recordo*
 Anno Dom. 1734, in the eighth year of the reign of *xv die Januar.*
 our sovereign Lord George the Second, by the grace *Anno regni*
 of God, of Great Britain, France, and Ireland, *serenissimi,*
 King, defender of the faith, &c. *&c. Nono,*
 continued by several prorogations to the fifteenth day *continuat. us-*
 of January, 1735. Being the second session of this *que ad et in*
xxi diem
Januar. anno
regni, &c.
decimo.
 present parliament.

CAP. I.

An act for continuing the duties upon malt, mum, cyder and perry in that part of Great Britain called England; and for granting to his Majesty certain duties upon malt, mum, cyder and perry in that part of Great Britain called Scotland, for the service of the year one thousand seven hundred and thirty six. EXP.

CAP. II.

An act to punish mutiny and desertion, and for the better payment of the army and their quarters. EXP.

CAP. III.

An act for granting an aid to his Majesty by a land-tax to be raised in Great Britain, for the service of the year one thousand seven hundred and thirty six. EXP. ss. in the pound.

CAP. IV.

An act to amend an act passed in the seventh year of the reign of his late majesty King George the First, intituled, An act to preserve and encourage the woollen and silk manufactures of this kingdom, and for more effectual employing the poor, by prohibiting the use and wear of all printed, painted, stained, or dyed callicoës, in apparel, household stuff, furniture, or otherwise, after the twenty fifth day of December, one thousand seven hundred and twenty two (except as is therein excepted) so far as relates to goods made of linen yarn, and cotton wooll, manufactured in Great Britain.

WHEREAS by an act passed in the seventh year of the reign of his late majesty King George the First, intituled, An act Preamble, rec-
 citing the act
 7 Geo. I. c. 7.
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to preserve and encourage the woollen and silk manufactures of this kingdom, and for more effectual employing the poor, by prohibiting the use and wear of all printed, painted, stained, or dyed callicoës, in apparel, household stuff, furniture, or otherwise, after the twenty fifth day of *December*, one thousand seven hundred and twenty two (except as is therein excepted) it is enacted, That the prohibition of callicoës intended by the said act, and the penalties thereby inflicted, for wearing or using printed, painted, stained, or dyed callicoës, in apparel, household stuff, or furniture, after the twenty fifth day of *December*, one thousand seven hundred and twenty two, contrary to the said act, should respectively extend to prohibit, and should be levied and recovered for, wearing or using in apparel, household stuff, or furniture, after the said twenty fifth day of *December*, one thousand seven hundred and twenty two, any stuff made with cotton, or mixed therewith, which should be printed or painted with any colour or colours, or any callicoe chequered or striped, or any callicoe stitched or flowered in foreign parts with any colour or colours, or with coloured flowers made there (mussins, neckcloths, and fustians excepted) in such manner as the penalties inflicted by the said act, for wearing or using printed, painted, stained, or dyed callicoës, in apparel, household stuff, or furniture, after the said twenty fifth day of *December*, one thousand seven hundred and twenty two, contrary to the said act, are to be levied or recovered, but under such limitations, and with such liberties, privileges, and advantages, as are mentioned and expressed in the said act, or in any other act or acts of parliament then in force relating thereto, or relating to printed, painted, stained, or dyed callicoës: and whereas great quantities of stuffs made of linen yarn and cotton wooll have for several years past been manufactured, and have been printed and painted, within this kingdom of Great Britain, and the said manufactures so printed or painted are a branch of the ancient fustian manufacture of this kingdom, and have been and are now used and worn in apparel and furniture: and whereas some doubts have lately arisen, whether the use and wearing of the said stuffs, when the same are so printed or painted, be prohibited by the said recited act, whereby the said manufacture is discouraged, and may be utterly lost, and great numbers of his Majesty's subjects and their families, whose livelihoods intirely depend thereupon, may be ruined, and the poor greatly increased, if not timely prevented: for remedy whereof be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That nothing in the said recited act shall extend or be construed to prohibit the wearing or using in apparel, household stuff, furniture, or otherwise, any sort of stuff made of linen yarn and cotton wooll manufactured and printed or painted with any colour or colours within the kingdom of Great Britain, provided that the warp thereof be intirely linen yarn; and that no person shall incur, or be deemed, or adjudged, or taken to incur, any penalty or forfeiture whatsoever for wearing or using such manufacture so printed or painted, as

Stuff made of
linen yarn,
and cotton
wooll, manu-
factured in
Great Britain,
if the warp be
intirely linen,
may be worn,
notwithstanding
the said
act.

aforesaid;

aforesaid; any thing in the said act to the contrary thereof in any wise notwithstanding.

II. And be it further enacted by the authority aforesaid, That none of the penalties in the said former act, which may have been incurred for the wearing or using any sort of stuff made of linen yarn and cotton wooll manufactured and printed or painted within this kingdom, as aforesaid, shall be recovered, or levied, unless some prosecution for the same hath been already commenced, and judgment already obtained thereupon; any thing in the said former act contained to the contrary in any wise notwithstanding.

No penalty for such wearing to be recovered, unless where judgment hath been already obtained.

C A P. V.

An act to repeal the statute made in the first year of the reign of King James the First, intituled, An act against conjuration, witchcraft, and dealing with evil and wicked spirits, except so much thereof as repeals an act of the fifth year of the reign of Queen Elizabeth, Against conjurations, enchantments, and witchcrafts, and to repeal an act passed in the parliament of Scotland in the ninth parliament of Queen Mary, intituled, Anentis witchcrafts, and for punishing such persons as pretend to exercise or use any kind of witchcraft, sorcery, enchantment, or conjuration.

BE it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the statute made in the first year of the reign of King James the First, intituled, *An act against conjuration, witchcraft, and dealing with evil and wicked spirits*, shall, from the twenty fourth day of June next, be repealed and utterly void and of none effect (except so much thereof as repeals the statute made in the fifth year of the reign of Queen Elizabeth, intituled, *An act against conjurations, enchantments, and witchcrafts*.)

1 James 1. c. 12. repealed, except a clause repealing 5 Eliz. c. 16.

II. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of June, the act passed in the parliament of Scotland in the ninth parliament of Queen Mary, intituled, *Anentis witchcrafts*, shall be and is hereby repealed.

The act in Scotland 9 Marie also repealed.

III. And be it further enacted, That from and after the said twenty fourth day of June, no prosecution, suit, or proceeding, shall be commenced or carried on against any person or persons for witchcraft, sorcery, enchantment, or conjuration, or for charging another with any such offence, in any court whatsoever in Great Britain.

After 24 June, 1736, no person to be prosecuted for witchcraft, &c.

IV. And for the more effectual preventing and punishing any pretences to such arts or powers as are before-mentioned, whereby ignorant persons are frequently deluded and defrauded;

Persons pretending to exercise witchcraft, tell fortunes, or by crafty science to discover stolen goods,

to be imprisoned for a year.

be pillory'd,

and bound for good behaviour.

ed; be it further enacted by the authority aforesaid, That if any person shall, from and after the twenty fourth day of June, pretend to exercise or use any kind of witchcraft, sorcery, incantment, or conjuration, or undertake to tell fortunes, or pretend from his or her skill or knowledge in any occult or crafty science to discover where or in what manner any goods or chattles, supposed to have been stolen or lost, may be found; every person so offending, being thereof lawfully convicted on indictment or information in that part of Great Britain called England, or on indictment or libel in that part of Great Britain called Scotland, shall for every such offence suffer imprisonment by the space of one whole year without bail or mainprize, and once in every quarter of the said year in some market town of the proper county upon the market day there stand openly on the pillory by the space of one hour, and also shall (if the court by which such judgment shall be given shall think fit) be obliged to give sureties for his or her good behaviour, in such sum, and for such time, as the said court shall judge proper according to the circumstances of the offence, and in such case shall be further imprisoned until such sureties be given.

CAP. VI.

An act to indemnify persons who have omitted to read the prayers, and make and subscribe the declarations directed to be read, made, and subscribed by the act of uniformity of the thirteenth and fourteenth years of the reign of King Charles the Second, within the time limited by law, and for allowing further time for doing thereof.

Preamble
reciting the
uniformity
act.
13 & 14 Car. 2.
c. 4.

WHEREAS by an act of parliament made in the thirteenth and fourteenth years of the reign of his late majesty King Charles the Second, intituled, An act for the uniformity of publick prayers, and administration of sacraments, and other rites and ceremonies, and for establishing the form of making, ordaining, and consecrating of bishops, priests, and deacons in the church of England, it was, among other things, enacted, That every person who should thereafter be presented, or collated, or put into any ecclesiastical benefice or promotion, within the realm of England, dominion of Wales, and town of Berwick upon Tweed, should, in the church, chapel, or place of publick worship, belonging to the said benefice or promotion, within two months next after that he should be in the actual possession of the said ecclesiastical benefice, or promotion, upon some Lord's day, openly, publicly and solemnly read the morning and evening prayer appointed to be read by and according to the book of common prayer therein before-mentioned, at the times thereby appointed, or to be appointed; and after such reading thereof, should openly and publicly, before the congregation there assembled, declare his unfeigned assent and consent to the use of all things therein contained and prescribed, according to the form therein before appointed; and that all and every such persons who should (without some lawful impediment to be allowed and approved of by the ordinary of the

the place) neglect or refuse to do the same within the time aforesaid, or in case of such impediment, within one month after such impediment removed, should ipso facto be deprived of all his said ecclesiastical benefices and promotions; and that from thenceforth it should be lawful for all patrons of all and singular the said ecclesiastical benefices and promotions, or any of them, according to their respective rights and titles, to present or collate to the same, as though the person or persons so offending or neglecting were dead; and also that every dean, canon, and prebendary of every cathedral or collegiate church, and all masters, or other heads, fellows, chaplains, and tutors, of or in any college, hall, house of learning, or hospital, and every public professor and reader in either of the universities, and in every college elsewhere; and every parson, vicar, curate, lecturer, and every other person in holy orders, and every schoolmaster keeping any public or private school, and every person instructing or teaching any youth in any house or private family as a tutor or schoolmaster, who upon the first day of May, which should be in the year of our Lord one thousand six hundred and sixty two, or at any time thereafter, should be incumbent or have possession of any deanery, canonry, prebend, mastership, headship, fellowship, professor's place, or reader's place, parsonage, vicarage, or any other ecclesiastical dignity or promotion, or of any curate's place, lecture, or school, or should instruct or teach any youth as tutor or schoolmaster, should, before the feast day of Saint Bartholomew, which should be in the year of our Lord one thousand six hundred sixty two, or at or before his or their respective admission to be incumbent or have possession, subscribe a declaration or acknowledgment, wherein, among other words, which, by an act of parliament made in the first year of the reign of their late majesties King William and Queen Mary, are directed from thenceforth not to be enjoined or required, are contained the words following; that is to say, I A. B. do declare, that I will conform to the liturgy of the church of England, as it is now by law established; upon pain that all and every the persons last mentioned, failing in such subscription, shall lose and forfeit such respective deanery, prebend, canonry, mastership, headship, fellowship, professor's place, reader's place, ecclesiastical dignity or promotion, curate's place, lecture, and school: and whereas several persons have through inadvertency either wholly omitted to read the said prayers, and to make and subscribe the said several declarations, or one of them, or have not done it within the time, and in the manner by law required; and have thereby incurred the forfeitures in such case incurred by the said recited act of the thirteenth and fourteenth years of King Charles the Second; and the validity of leases made, and other acts done by them since such forfeitures incurred, may by reason thereof be controverted and avoided, &c.

Further time is given for this purpose by 11 Geo. 2. c. 31.

CAP. VII.

An act to explain and amend an act passed in the first year of the reign of his present majesty, intituled, *An act for repairing and enlarging the road leading from the house called The sign of the bells, in the parish of Saint Margaret in Rochester, to Maidstone, and other roads therein mentioned, in the county of Kent.* Continued 22 Geo. 2. c. 8.

CAP. VIII.

An act for the better regulating the nightly watch and bedels within the parish of Saint Martin in the Fields, within the liberties of the city of Westminster.

WHEREAS the keeping a sufficient and well regulated watch in the night-time within the great and populous parish of Saint Martin in the Fields, within the liberties of the city of Westminster, is of great importance for the preservation of the persons and properties of the inhabitants thereof, and very necessary to prevent, as well the mischiefs which may happen from fires, as murders, burglaries, robberies, and other outrages and disorders: and whereas by the laws now in being no effectual provision is made for the establishing, ordering or well governing of such a nightly watch, or for levying and collecting any sums of money for defraying the necessary charges thereof, or for enforcing a due application and just account of any money so levied and collected for that purpose: and whereas it hath been found by experience, that the bedels employed within the said parish, for want of a proper regulation and government of them, have been of great charge and little use to the said parish, and the methods hitherto practised of raising monies for maintaining and paying the said bedels have been also precarious and unwarrantable; for remedy of the aforesaid inconveniencies, may it please your most excellent Majesty, that it may be enacted, &c.

Vestry to meet on 3 May, and 3 Nov. yearly, and appoint the number of watchmen and bedels, and set down in writing the orders agreed on for regulating the watch. Transcripts of the regulation, &c. signed by the vestry clerk, to be delivered to each constable. The charges to be paid by an half-yearly assessment, and may be levied by distress. Persons aggrieved may appeal to the next general quarter sessions, whose order to be final. The assessment not to exceed 4 d. per pound. No person paying the said assessment, or chosen a bedel or watchmen, to gain thereby a settlement. No hired servant capable of being chosen a bedel or watchman. Collectors of the assessment to account to the vestry on 26 July, yearly, or oftner, if required. Yearly accounts of receipts and disbursements to be adjusted and signed at a vestry by 20 August, and lodged with the vestry clerk. Persons paying the said rates discharged from watch or ward.

CAP. IX.

An act for enlarging the term and powers granted by an act passed in the eleventh year of his late majesty King George the First, intituled, An act for repairing and amending the road from Biggleswade in the county of Bedford, to Bugden, and through Alconbury, to the top of Alconbury Hill, or cross post, leading into Sawtery Lane, on the York and Edinburgh road, and from the said town of Bugden to the town of Huntingdon, and from Cross Hall in Eaton Soken in the said county of Bedford, to Great Stoughton Common in the said county of Huntingdon.

The recited act 11 Geo. 1. c. 20. is further continued for 21 years, &c.

CAP. X.

An act for repairing and widening the road leading from Saint Dunstan's Cross near the city of Canterbury, to the waterside at Whitstable in the county of Kent.

Certain tolls are granted from 24 June 1736, for 21 years.

CAP.

CAP. XI.

An act for enlarging the term and powers granted by an act passed in the fifth year year of the reign of his late majesty King George the First, intituled, *An act for repairing the road from Becomshold in the county of Bucks, to Stoken church in the county of Oxon.*

The recited private act is further continued for 21 years.

CAP. XII.

An act to enable the justices of the peace, acting for the western division of the county of Kent, to purchase a convenient piece of ground for building a gaol for the said county, and for empowering the said justices to apply part of the county stock of the said division towards the same.

WHEREAS the common gaol for securing the prisoners of the crown at Maidstone, in the western division of the county of Kent, is in great decay, too strait for the safe keeping of the prisoners, and, standing in the middle of the said town, is often, from distempers of the prisoners, both offensive and dangerous to the inhabitants of the said town, and to such as resort thither; and there being no prison for confining of debtors, great charge, expence and hazard are thereby occasioned to the sheriff of the said county for the time being, to whose custody several persons are committed for debts of very large sums of money; all which insufficiencies and inconveniencies of the gaol aforesaid have been presented by the grand jury at the assizes and general gaol delivery held for the said county: and whereas there is no scite of ground to enlarge the said gaol, or to erect a prison and other conveniencies for the safe keeping of debtors; and soasmuch as the justices of the peace for the said county cannot by the laws now in force raise a sufficient sum of money upon the said county, in order to purchase a new scite of ground, and thereon build a gaol; nor can they apply the stock of the said county, or any part thereof, for the purposes aforesaid; be it therefore enacted, &c. Preamble.

The justices at their general quarter sessions may authorize persons to purchase ground in Maidstone parish, to be vested in the trustees herein named. When the trustees shall be reduced to seven, others to be chosen, not exceeding ten, &c. A convenient gaol, with different wards, to be built. Part of the present county stock to be applied towards the charge thereof; the remaining charge to be raised by assessment at the quarter sessions.

CAP. XIII.

An act for the better regulating the nightly watch and bedels within the parish of Saint Paul, Covent Garden, within the liberties of the city of Westminster.

WHEREAS the keeping a sufficient and well regulated watch in the night-time within the parish of Saint Paul, Covent Garden, within the liberties of the city of Westminster, is of great importance for the preservation of the persons and properties of the inhabitants thereof, and very necessary to prevent, as well the mischiefs

chiefs which may happen from fires, as murders, burglaries, robberies, and other outrages and disorders: and whereas by the laws now in being no effectual provision is made for the establishing, ordering or well governing of such a nightly watch, or for levying and collecting any sums of money for defraying the necessary charges thereof, or for enforcing a due application and just account of any money so levied and collected for that purpose: and whereas it hath been found by experience, that the bedels employed within the said parish, for want of a proper regulation and government of them, have been of great charge and little use to the said parish, and the methods hitherto practised of raising monies for maintaining and paying the said bedels have been also precarious and unwarrantable; for remedy of the aforesaid inconveniencies, may it please your most excellent Majesty, that it may be enacted, &c.

The vestry, with other persons specified, to meet on 3 May, and 3 Nov. yearly, and appoint the number of watchmen and bedels, and set down in writing the orders agreed on for regulating the watch: Transcripts of the regulations, &c. signed by the vestry clerk, to be delivered to each constable. The watchmen, in the absence of the constable, may apprehend night-walkers, &c. The charges to be paid by an half-yearly assessment. Persons aggrieved may appeal to the next quarter sessions, whole order to be final. The assessment not to exceed 6d. per pound. No person paying the said assessment, or chosen a bedel or watchman, to gain thereby a settlement. No hired servant capable of being chosen a bedel or watchman. Collectors of the assessment to account to the vestry on 26 July, yearly, or oftner, if required. Yearly accounts of receipts and disbursements, to be adjusted and signed at a vestry by 20 August, and lodged with the vestry clerk. Persons paying the said rates discharged from watch or ward.

CAP. XIV.

An act for repairing the roads leading from Henley Bridge in the county of Oxford, to Dorchester Bridge, and from thence to Culham Bridge, and to a place called Mile-stone, in the road leading to Magdalen Bridge in the said county.

Certain tolls are granted from 1 May, 1736, for 22 years.

CAP. XV.

An act for enabling the mayor, bailiffs and burghesses of the borough of New Windsor in the county of Berks, to repair and maintain their great bridge over the river of Thames, and the way thereon, leading from the said borough of New Windsor, to Eton in the county of Bucks.

Preamble.

WHEREAS the mayor, bailiffs, and burghesses of the borough of New Windsor in the county of Berks, are lawfully seized of the great bridge over the river Thames, commonly called or known by the name of Windsor Bridge, set, lying, and being in New Windsor aforesaid, and of the way thereon leading from New Windsor aforesaid to Eton in the county of Bucks, with the appurtenance thereof, and are obliged by reason of their tenure to repair and maintain the same; and for that purpose by themselves, their officers, deputies, or assigns, have received, and are intitled to receive,

carrs, certain customary tolls for portage and passage over and under the said bridge; that is to say,

For every bearfe or coach, passing over the said bridge with a dead The toll. corpse, six shillings and eight pence.

For every hackney coach (not a freeman's) for every passage, two pence.

For every load, passage or carriage with household goods, wood, earthen ware, charcoal and leather, four pence.

For every load, passage or carriage, with corn, hay, straw, dung, wood and peat, two pence.

For every score of sheep, two pence.

For every head of oxen, hogs and other cattle, one halfpenny.

For every horse loaded with hampers, or otherwise, one halfpenny.

For every barge, going under the said bridge down stream, six pence.

And whereas the said mayor, bailiffs and burghesses have, by indenture of lease, bearing date the twelfth day of September, one thousand seven hundred and seven, demised the said bridge and tolls for the term of forty years, and under the yearly rent of five pounds, and subject to the exceptions and conditions therein expressed, to John Herring of Windsor aforesaid, grocer, his executors, administrators and assigns: and whereas the said bridge, which is of great advantage to the commerce of the adjacent counties, as well as of the said borough, is now in a ruinous condition, and no provision is made for supporting the same, otherwise than by the monies arising from the profits of the tolls herein before and after mentioned, the payment whereof hath of late been refused by several persons, and cannot be recovered but by bringing separate actions against each particular person so refusing, which must be attended with great expence and delay; may it therefore please your most excellent Majesty that it may be enacted, &c.

The said bridge, &c. subject to the said lease, vested in the mayor, &c. who may appoint collectors. The profits of the ferry, whilst the bridge is repairing, vested in the mayor, &c. Ferry not to continue longer than the necessary reparations of the bridge, which are to be finished in three months. 10s. penalty on any person, not authorized by the mayor, &c. working a boat within two furlongs of the bridge to hinder the toll.

CAP. XVI.

An act for continuing the term and powers granted by an act passed in the fourth year of the reign of his late majesty King George the First, intituled, An act for repairing the highways from Crown Corner in the town of Reading (leading by and through the several parishes of Shinfield and Heckfield, in the several counties of Berks, Wilts, and Southampton) to Basingstoke in the said county of Southampton. The recited act is continued for 21 years farther.

CAP.

C A P. XVII.

An act for the better regulating the nightly watch and bedels within the parishes of Saint Margaret and Saint John the Evangelist, within the city and liberty of Westminster.

WHEREAS a new church hath been erected near Mill Bank, in the parish of Saint Margaret, Westminster, and a district hath been allotted thereto, which since the consecration of the said church hath been called and known by the name of the parish of Saint John the Evangelist: and whereas, notwithstanding such division, all parochial rates (except only the rate for the maintenance of the rector of the said new church, appointed to be made by an act passed in the first year of the reign of his present Majesty, intituled, *An act for making provision for the rector of the new church situate near Mill Bank, in the parish of Saint Margaret, Westminster, and for other purposes therein mentioned*) have been and now are (in pursuante of an act passed in the tenth year of the reign of her late majesty Queen Anne, intituled, *An act for enlarging the time given to the commissioners appointed by her Majesty, pursuant to an act for granting to her Majesty several duties on coals, for building fifty new churches in and about the cities of London and Westminster, and suburbs thereof, and other purposes therein mentioned; and also for giving the said commissioners further powers for better effecting the same; and for appointing monies for rebuilding the parish church of Saint Mary Woolnoth in the city of London*) assessed and levied within and through all parts and districts, which did formerly belong to the said parish of Saint Margaret, Westminster: and whereas the well ordering and regulating a nightly watch and bedels within the said two parishes of Saint Margaret, and Saint John the Evangelist, within the city and liberty of Westminster, is of great importance for the preservation of the persons and properties of the inhabitants thereof, and very necessary to prevent, as well the mischiefs which may happen from fires, as murders, burglaries, robberies, and other outrages and disorders: and whereas by the laws now in being no effectual provision is made for the establishing, ordering, or well governing of such a nightly watch and bedels within the said two parishes, or for levying and collecting any sums of money for defraying the necessary charges thereof, or for enforcing a due application and just account of any money so levied and collected for that purpose; for remedy of the aforesaid inconveniencies; may it please your most excellent Majesty that it may be enacted, &c.

The vestries of the two parishes to meet yearly in Saint Margaret's vestry room, and appoint the number of watchmen and bedels, and ascertain the pound rate for the charge thereof, and in 14 days after choose the watchmen and bedels, and set down in writing the regulations agreed on. A copy of the regulations, signed by the vestry clerk of each parish, to be delivered to each constable. The watchmen, in the absence of the constable, may apprehend night-walkers, &c. Person appointed a collector, on refusing to act, to forfeit 10l. The assessment, on payment refused,

to be levied by distress. Persons aggrieved may appeal to the quarter sessions. The assessment not to exceed 6 d. in the pound. No person paying the assessment, or chosen a bedel or watchman, to gain thereby a settlement. Collectors to account yearly on 20 July, &c. A book of receipts and disbursements, signed at St. Margaret's vestry by 20 August yearly, to be kept by the vestry clerk, and inspected without fee. On neglect of St. John's vestry to meet and act jointly, St. Margaret's vestry may make such assessments separately. If a division of the said parishes shall be made, the vestries of each separately to execute this act. No person paying the assessment, liable to the watch or ward.

C. A. P. XVIII.

An act for reviving and continuing the acts therein mentioned, and for explaining and amending a clause in an act made in the first year of the reign of his late majesty King George the First, intituled, An act for making the laws for repairing the highways more effectual, relating to the appointing scavengers in cities and market towns, and the ordering the assessments for the repairing and cleansing the streets therein.

WHEREAS an act made in the second year of his present Majesty's reign, intituled, An act for the more effectual preventing and further punishment of forgery, perjury, and subornation of perjury, and to make it felony to steal bonds, notes, or other securities for payment of money, is expired, and one other act made in the fifth year of his present Majesty's reign, intituled, An act to prevent the committing of frauds by bankrupts, is near expiring, both which acts have been found useful and beneficial to the publick; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of June, which shall be in the year of our Lord one thousand seven hundred and thirty six, the said act, made in the second year of his present Majesty's reign, shall be and is hereby revived and made perpetual.

The act 2 Geo. 2. c. 25. against forgery, perjury, &c. revived, and made perpetual.

II. And be it further enacted by the authority aforesaid, That the above mentioned act, made in the fifth year of his Majesty's reign, shall be and is hereby continued, and shall be in force, from the time therein limited for the expiration thereof, until the twenty ninth day of September, which shall be in the year of our Lord one thousand seven hundred and forty three, and from thence to the end of the then next session of parliament, and no longer.

The bankrupts act 5 Geo. 2. c. 30. continued. Farther continued by 24 Geo. 2. c. 57. f. 8.

III. And whereas by a clause in an act of parliament made in the first year of the reign of his late majesty King George the First, intituled, An act for making the laws for repairing the highways more effectual, the justices of the peace in any city or market town (not having already particular provision made for them therein by any former law) or the major part of them, at their general or quarter

The act 1 Geo. 1. c. 52. for repairing the highways, extended to market towns.

ter sessions, are impowered to appoint a scavenger or scavengers for cleansing the streets, and to order the repairing such streets therein, as they shall judge necessary; and, for defraying the charges thereof, to order an assessment or assessments, not exceeding six pence in the pound in one year, to be equally made upon all and every the occupiers or owners of houses, lands, tenements, and hereditaments, in such cities; and whereas market towns are omitted in the latter part of the said clause; be it therefore enacted, That the said clause, and all the powers therein contained or mentioned, shall be deemed and taken to extend to market towns (not having already particular provision made for them therein by any former law) as well as cities, as if the same had been in the said clause particularly named and mentioned.

CAP. XIX.

An act for the better regulating the nightly watch and bedels within the parish of Saint Anne, within the liberties of the city of Westminster.

Preamble.

WHEREAS the keeping a sufficient and well regulated watch in the night-time within the parish of Saint Anne, within the liberties of the city of Westminster, is of great importance for the preservation of the persons and properties of the inhabitants thereof, and very necessary to prevent, as well the mischiefs which may happen from fires, as murders, burglaries, robberies, and other outrages and disorders: and whereas by the laws now in being no effectual provision is made for the establishing, ordering or well governing of such a nightly watch, or for levying or collecting any sums of money for defraying the necessary charges thereof, or for enforcing a due application and just account of any money so levied and collected for that purpose: and whereas it hath been found by experience, that the bedels employed within the said parish, for want of a proper regulation and government of them, have been of great charge and little use to the said parish, and the methods hitherto practised of raising moneys for maintaining and paying the said bedels, have been also precarious and unwarrantable; for remedy of the afore said inconveniencies, may it please your most excellent Majesty that it may be enacted, &c.

The vestry to meet on 3 May, and 3 Nov. yearly, and appoint the number of watchmen, and bedels, and set down in writing the orders agreed on for regulating the watch. Transcripts of the regulations, &c. signed by the vestry clerk, to be delivered to each constable. The watchmen in the absence of the constable, may apprehend night-walkers, &c. The charges to be paid by an half-yearly assessment. Persons aggrieved may appeal to the next general quarter sessions, whose order to be final. The assessment not to exceed 6 d. per pound. No person paying the said assessment, or chosen a bedel or watchman, to gain thereby a settlement. No hired servant capable of being chosen a bedel or watchman. Collectors of the assessment to account to the vestry on 26 July, yearly, or oftner, if required. Yearly accounts of receipts and disbursements to be adjusted and signed at a vestry by 20 August, and lodged with the vestry clerk. Persons paying the said rates discharged from the watch or ward.

CAP.

CAP. XX.

An act for the better enlightening the streets of the city of London.

WHEREAS it hath been found by experience, that many and frequent murders, robberies, burglaries, felonies, and other crimes of a heinous nature, have been and are frequently committed in the streets, lanes, and passages of the city of London and the liberties thereof in the night season; the commission of which crimes has in a great measure been owing to the insufficient manner in which the streets, lanes, passages and courts of the said city, have for some years past been, and at this present time are lighted by the proprietors of the convex lights: and whereas the citizens of London are desirous to have the open places, streets, lanes, passages and courts thereof, enlightened in a better and more effectual manner, as well for their own as for the common safety and benefit of all other persons whose affairs oblige them to pass and repass through the same; and in order to effect so good a work the said citizens have consented and agreed to raise the money necessary for that purpose by a reasonable tax and assessment on the inhabitants of the said city, in such manner as hereinafter is expressed: but forasmuch as the same cannot be effectually done but by the aid and assistance of an act of parliament; may it please your Majesty (at the humble petition and desire of the mayor, aldermen, and commonalty of the city of London, in common council assembled) that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That such a convenient and sufficient number of glass lamps, of such sort and fashion, and put up in such parts and places of the said city of London, and the liberties thereof, as to the mayor, aldermen, and commonalty of the said city, in common council assembled, shall seem meet and expedient, shall be with all convenient speed erected and fixed to or near any house or building, place or places whatsoever within the said city or liberties thereof, and the same shall be kept lighted and burning from sun-setting to sun-rising throughout the year.

Glass lamps to be put up in London, according to the directions of the lord mayor, &c. and kept lighted from sun-setting to sun-rising.

II. And, for defraying the first expence of buying and erecting of such lamps or lights, and also the yearly charges of supplying, maintaining and repairing the same, the following rates and assessments shall be laid and raised on the several inhabitants of the said city and the liberties thereof, annually and each year, from and after the twenty fifth day of March, one thousand seven hundred and thirty six; that is to say,

For each and every house, the rent whereof is under ten pounds per annum, and the inhabitant whereof is charged to church and poor, any sum not exceeding seven shillings per annum.

Yearly rates.

For each and every house of the yearly rent of ten pounds or upwards,

wards, and under twenty pounds, any sum not exceeding twelve shillings per annum.

For each and every house of the yearly rent of twenty pounds or upwards, and under thirty pounds, any sum not exceeding fourteen shillings per annum.

For each and every house of the yearly rent of thirty pounds or upwards, and under forty pounds, any sum not exceeding sixteen shillings per annum.

And for each and every house of the yearly rent of forty pounds or upwards, any sum not exceeding twenty shillings per annum.

St. Paul's cathedral, and all other public buildings, to be yearly assessed.

III. And forasmuch as it is reasonable that all public buildings (hospitals excepted) should be taxed and assessed in a due proportion towards the better lighting the said city and the liberties thereof; be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the alderman of the ward of *Coffle Baynard*, with the advice and consent of his deputy and common councilmen, or the majority of them, at his and their discretions, and they are hereby required yearly and every year, to tax and assess the cathedral church of Saint Paul; and also for the alderman of each respective ward where such other public buildings respectively do stand, and are situate, by and with the advice and consent of his deputy and common councilmen, or the majority of them, at his and their discretions, and they are hereby required yearly and every year, to tax and assess all parish churches, church-yards, chapels, meeting-houses, schools, halls, markets, ware-houses, and all other public buildings whatsoever, situate, standing, and being within their respective wards, towards the erecting, supplying, maintaining, and repairing the lights aforesaid, regard being by them always had to the number of lamps which shall be found necessary for the lighting the same.

By whom those assessments shall be paid.

IV. And it is hereby enacted by the authority aforesaid, That the dean and chapter of the cathedral church of Saint Paul for the time being, and all and every the respective church-wardens and chapel-wardens of the several parish churches and chapels, and respective head officers, masters, wardens, and governors of all meeting-houses, public halls, schools, and the occupiers or proprietors of all other public buildings and places, within the said city and liberties thereof respectively, fronting or adjoining to any of the said public streets, lanes, public places, and passages of the said city and liberties thereof, and the farmers or occupiers of all and every the markets within the city and liberties thereof, shall and they respectively are hereby charged with and required to pay the respective rates and assessments, which shall from time to time be so rated and assessed upon the said respective buildings and places pursuant to this act.

On what condition the dean and chapter of

V. Provided always, and it is hereby declared, That if the said dean and chapter of Saint Paul shall at their own cost and charge, cause the fence round the said cathedral to be duly lighted

lighted with lamps of the same sort, and at and for the same time, and in a proportionable number, and from time to time keep the said fence so lighted in the same manner as by this act ought to be done in the other parts of Saint *Paul's* church-yard (which the court of lord mayor and aldermen from time to time are hereby impowered to determine) that then and so long as they continue to light the said fence as is hereby directed, no rate or assessment shall be laid on the said cathedral church by virtue of the powers hereby granted; any thing in this act contained to the contrary in any wise notwithstanding.

VI. Provided always, and it is hereby declared, That in case any person or persons shall think him, her, or themselves aggrieved by such tax and assessment as aforesaid, it shall and may be lawful for them respectively, within the space of twenty days after such tax or assessment shall be laid, to appeal to the court of lord mayor and aldermen, whose decision shall be final and conclusive.

The decision of the lord mayor and aldermen, on appeals, to be final.

VII. And whereas there are several pieces of void ground and spacious places belonging to the said city, lying within the same, or liberties thereof, where no inhabitants are or can be properly chargeable as aforesaid, and which nevertheless ought to be well and sufficiently lighted; be it further enacted by the authority aforesaid, That the chamberlain of the said city of *London*, for the time being, shall at the cost and charges of the said city pay such taxes and assessments as shall be laid and rated for the due lighting of such void ground and places, where no inhabitants are or can be properly charged, according to the discretion of the alderman, deputy, and majority of the common councilmen of each ward, within which such void grounds and places are situate and comprised as aforesaid, regard being by them always had to the number of lamps necessary for the due lighting of the same; and in case the said chamberlain shall think the said city aggrieved by such tax or assessment, he shall and may in behalf of the said city within the space of twenty days after such tax or assessment shall be laid, appeal to the court of lord mayor and aldermen as aforesaid, whose determination shall be final.

The city chamberlain to pay for void grounds, and appeal to the lord mayor, &c.

VIII. And to the end that the several rates and assessments herein before mentioned may be fully and compleatly raised and paid for the purposes aforesaid without expence, fee, or reward, be it further enacted by the authority aforesaid, That it shall and may be lawful for each alderman in his ward, by and with the advice and consent of his deputy, and common councilmen, or the majority of them, immediately to nominate, elect, and impower two or more substantial and responsible inhabitants of and belonging to each ward, to ask, collect, and receive the several rates or assessments herein before granted, and made payable by each inhabitant of such wards as aforesaid, which collectors shall continue in that office until new ones shall be chosen in the wardmote, which shall be held for the choice of other ward officers on or near Saint *Thomas's* day next ensuing such nomination and appointment; at which time

The alderman of the ward, &c. to appoint collectors.

the

collectors
when and
how to ac-
count.

the said collectors first chosen shall and they are hereby required to bring in their accounts to the alderman of the said ward at the wardmote, in which they shall specify and express the several sums of money by them received, and give in a list of such persons as shall have neglected or refused to pay the rates and assessments so laid on them as aforesaid, that the same may be recovered and levied in such manner as is herein after mentioned.

The deputy
and common
councilmen
to return six
inhabitants,
out of which
the collectors
are to be
chosen.
10 l. penalty
on collectors
refusing to act.

IX. And to the intent that there may never be wanting a sufficient number of persons duly qualified to collect the rates and assessments hereby granted and made payable, be it further enacted by the authority aforesaid, That the deputy and common council-men of each ward shall at each wardmote, to be held upon or near Saint Thomas's day for the choice of ward officers, return the names and places of abode of six or more substantial inhabitants of each ward, out of which two or more (according to the extent of the ward) shall be chosen and appointed at the said wardmote to be collectors for the year ensuing, and be there sworn to the true and faithful execution of their office before the presiding officer at the wardmote, who is hereby impowered to administer the said oath; and in case any person or persons so chosen shall neglect or refuse to take upon him or them the said office, or duly to execute the same according to the true intent and meaning of this act, he or they shall respectively forfeit and pay the sum of ten pounds, and still continue liable to be chosen into the said office again the year following; and in case of his or their refusal, shall be again liable to the like penalty, and so *toties quoties*.

A reassessment
to be made,
in case of im-
bezilment.

X. And to the intent that responsible persons may be chosen and appointed collectors in each ward, be it further enacted by the authority aforesaid, That in case any collector or collectors, receiver or receivers, of the said rates and assessments, shall imbezile, make away with, detain, or misapply any sum or sums of money, so collected by him or them for the uses aforesaid, the same shall be again rated and laid on the inhabitants of each ward, and collected and levied by a reassessment on all the inhabitants, in proportion to what they had or ought to have paid.

Distress on
nonpayment.

XI. And it is hereby further enacted by the authority aforesaid, That in case any inhabitant of the said city of London, or any other person or persons hereby intended to be charged and rated towards defraying the expence of lighting the said city as aforesaid, shall neglect or refuse to pay and discharge such rates and assessments, as he, she, or they shall be charged with, according to the true intent and meaning of this act, after such rates and assessments shall respectively be demanded, that then and so often it shall and may be lawful to and for the said collector or collectors, receiver or receivers, and every or any of them, by warrant obtained under the hand and seal of the lord mayor of the said city for the time being, or of the alderman of the ward where such person or persons so neglecting or refusing

Who to grant
the warrant
for distress.

fusing to pay shall inhabit or be chargeable (which warrant the said lord mayor or such alderman is hereby authorized and required to grant) to take and distrain the goods and chattles of such person or persons so neglecting or refusing, and the same to sell, rendering the overplus, if any such shall be, after having deducted the reasonable charges of such distress, to the owner of such goods and chattles demanding the same.

XII. And be it further enacted by the authority aforesaid, That every collector or collectors of the rates and assessments aforesaid shall collect the same half-yearly, and pay the money into the chamber of the city of *London*, as he or they shall receive the same, in such manner that such collector or collectors shall never have a sum exceeding fifty pounds so collected at one time in his or their hands by the space of ten days; and if such collector or collectors shall keep and retain in his and their hands more than the said sum of fifty pounds longer than ten days, he and they shall respectively forfeit the sum of five pounds for every such offence (which said penalty shall be recovered and levied as any other penalty is hereby directed to be recovered and levied) and on payment of every such sum of money into the chamber of the said city of *London* such collector or collectors shall take a receipt for the same from the said chamberlain or one of his clerks, in which receipt shall be specified and expressed the name of such collector and collectors, the sum paid, and the name of the ward wherein the money hath been collected; and the chamberlain of the said city of *London* for the time being, or such of his clerks as shall be by him for that purpose appointed, shall be obliged, and he and they is and are hereby required, to give such receipt without fee or reward; and such receipts shall by the collector and collectors be produced to the alderman of the ward at the time he settles and adjusts his yearly account; and shall by the said alderman be taken and allowed as a full and sufficient discharge for all and every such sum and sums of money such collectors or receivers shall have received and paid into the chamber of the city of *London* as aforesaid.

Assessment to be collected half-yearly.

The form of the chamberlain's receipts.

XIII. And to the end that the payment of the said rates and assessments for the purposes aforesaid may the more effectually be enforced, be it further enacted by the authority aforesaid, That every freeman of *London* liable to pay the said rates and assessments, who shall have neglected or refused to pay the said rates and assessments to the person or persons authorized and empowered to collect and receive the same, or shall have desired to be excused from paying such rates and assessments, shall be under the same incapacity of voting at elections within the said city of *London*, as any person or persons now is or are, who do not pay their foot or lot to the several yearly rates and taxes, to which the citizens of *London* are at this time or shall hereafter become liable.

Freemen not paying the said assessments, incapacitated from voting at elections.

XIV. And to the intent that no monopoly in lighting the said city and liberties thereof be for the time to come attempted,
 Vol. XVII. C ed,

The alderman of each ward, &c. to contract for setting up, and trimming the lamps for one year;

but such contract not to exceed the sum appointed by the mayor, &c.

No alderman, &c. to be interested in such contracts.

The chamberlain to pay all draughts made on him by the alderman of the ward, &c.

and enter them distinctly in a book,

to be inspected without fee.

ed, whereby the expence thereof will be greatly enhanced, and the work not sufficiently performed; be it enacted by the authority aforesaid, That each alderman, by and with the advice and consent of his deputy and the majority of his common councilmen, shall and may, and he is hereby required, authorized, and empowered to contract and agree for the number of lamps necessary to be erected and set up in and for his ward, and the charge thereof, on posts or irons, as he shall think best to order, and shall be most effectual for the purposes hereby intended; and also that each such alderman, with such advice and consent as aforesaid, shall and may contract with any person or persons, for the lighting, trimming, snuffing, cleansing, supplying, maintaining, and repairing such number of lamps as shall be necessary for his ward; provided nevertheless, that such contract be made for the space of one whole year and no longer at one time, and shall not exceed such sum for each lamp, as shall be directed and ordered by the mayor, aldermen, and commons in common council assembled, in case they shall think fit to settle and direct the same.

XV. Provided always, and it is further enacted by the authority aforesaid, That no alderman, deputy, or common councilman, during his continuance in such office, or any person or persons in trust for him, them, or any of them, shall be concerned or interested in any contract or otherwise, for lighting the said city or any part thereof, or for providing and fixing any of the said lamps, posts, or irons, or other materials necessary thereto.

XVI. And be it further enacted by the authority aforesaid, That the chamberlain of the said city of *London* for the time being, shall and may, and he is hereby authorized and required to pay all and singular the orders or draughts on him to be made by the alderman of each ward, with the advice of his deputy, and the majority of the common councilmen of each ward respectively, in discharge of such contract or contracts they shall or may respectively enter into, as well for providing and erecting, as for lighting, trimming, snuffing, cleansing, supplying, maintaining, and repairing the lamps within each and singular the wards of the said city. And also, that he the said chamberlain for the time being shall and he is hereby required to keep regular and clear entries, in a book to be for that purpose by him provided, of all and singular the receipts and payments he shall make on the account of lighting the said city as aforesaid, distinguishing each ward under distinct heads; to which book every citizen of *London* shall and may have free access in office hours, and shall be permitted to inspect the same without fee or reward; and also that the chamberlain for the time being shall have the said account audited and passed in the same manner, and by the same persons, who are now appointed, or shall be appointed, to audite the accounts of the chamberlain of the said city of *London*.

XVII. And

XVII. *And whereas several evil disposed persons have broken, and may wilfully and maliciously break and destroy the lamps hung out in the streets of this city; now to prevent the like malicious practices for the future, be it further enacted by the authority aforesaid, That if any person or persons shall, from and after the twenty ninth day of September, one thousand seven hundred and thirty six, wilfully or maliciously break; throw down, or extinguish any lamp that is or shall be hung out, or set up to light the streets, or wilfully damage the posts, irons, or other furniture thereof, every person so offending therein, and being thereof convicted by the oath of one or more witness or witnesses before any one or more justice or justices of the peace for the city of London, shall for the first offence forfeit the sum of forty shillings for each lamp so broken, thrown down, extinguished, or otherwise damaged, and for the second offence the sum of fifty shillings, and for the third offence the sum of three pounds, to be recovered and levied in such manner as in this act is mentioned.*

Penalty on maliciously breaking or extinguishing the lamps.

XVIII. *And whereas it is impossible to ascertain the exact expence, which may accrue to the said city of London, in providing, supplying, and maintaining such lights as aforesaid, as well from the alteration in the price of oil and other materials, as from other unforeseen accidents and casualties, which may happen; be it therefore further enacted, That if at the expiration of seven years it shall be found that any surplus shall have arisen from the money collected by virtue of this act, over and above what shall have been issued and applied in pursuance hereof, for the finding, supplying, and maintaining such lights as aforesaid, such surplus money shall remain in the chamber of the said city of London, to be applied either in aid of the orphans fund, or in abatement or diminution of future assessments for the purposes of this act, or to be otherwise disposed of to or for the use and benefit of the citizens of London, as they by any act of common council shall direct and appoint.*

Surplus monies after 7 years how to be disposed of.

XIX. *And it is hereby further enacted, That the mayor, aldermen, and commons, in common council assembled, shall and they are hereby impowered and required at a court of common council to be held, as soon as conveniently may be after the twenty fourth day of June, one thousand seven hundred and thirty six, to order and appoint a rate and assessment to be made pursuant to the powers hereby granted and given, to commence on the twenty fifth day of March preceding, and to continue till the twenty fifth day of December following; and that the said mayor, aldermen, and commons, in common council assembled, shall yearly and every year between the first day of January and the last day of February order and direct what rates and assessments shall be made on the inhabitants for the purposes aforesaid, which assessment shall be for one whole year, commencing the twenty fifth day of December preceding the said order.*

How and when the assessments are to be made.

C 1

XX. And

5 l. penalty on collectors refusing to account at the wardmote on or near St. Thomas's day.

XX. And be it further enacted by the authority aforesaid, That if any collector or collectors shall neglect or refuse to bring in his and their accounts to the alderman of the ward at the wardmote held on or near Saint *Thomas's* day, he or they shall respectively forfeit the sum of five pounds, and in like manner the same sum of five pounds for every twenty days he or they detain the said account, to be recovered and levied by such ways and means as herein after in this act is mentioned.

Warrants of distress how and by whom to be granted.

XXI. And to prevent as much as may be any deficiency happening in the collecting the rates and assessments aforesaid, be it further enacted, That the collector or collectors of all and every the wards of the said city shall and he and they are hereby required in cases of refusal or nonpayment of the several rates and assessments aforesaid within thirty days after the respective rates and assessments shall become due, to apply to the lord mayor for the time being, or to the alderman of the respective wards where such refusal or non-payments shall happen, for a warrant to distrain for the said rate and assessment, and shall take care to execute or cause the same to be duly executed.

The manner of determining and levying pecuniary penalties.

XXII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the lord mayor for the time being, or any two or more justices of the peace for the city of *London*, to hear and determine any of the offences which are made subject to and punishable by any pecuniary penalties directed to be levied by this act; and such justices of the peace are hereby authorized and required upon any informations exhibited or complaint made in that behalf within ten days after such offence committed, to summon the party or parties accused, and the witnesses on either side, and after oath of the commission of any of the facts above-mentioned by one or more credible witness or witnesses to issue a warrant or warrants for apprehending the party offending in the said city of *London*, and upon the appearance or contempt of the party accused in not appearing, upon the proof of notice given, to proceed to the examination of the witness or witnesses on oath (which oath they are hereby authorized, impowered, and required to administer) to give such judgment, sentence, or determination, as shall be just and conformable to the tenor and true meaning of this act. And where the party accused shall be convicted of such offence, either by view of the said justices, or any of them, or upon such information as aforesaid, or on confession of the party accused, it shall and may be lawful for such justices to issue warrant or warrants for the levying the pecuniary penalties and forfeitures so adjudged on the goods and chattels of the offender, and to cause sale to be made thereof, in case they shall not be redeemed in five days, rendering to the party the overplus, if any there be; and in case any person or persons shall be convicted in pursuance of this act of breaking, throwing down, or extinguishing any lamp to be hung

hung or set up as aforesaid, and no goods or chattels of any persons so offending can at the time of such conviction be found, then and in such case it shall and may be lawful to and for the justice or justices of the peace, before whom such person or persons shall be convicted as aforesaid, to commit such offender to the house of correction, there to be kept to hard labour for any time not exceeding the space of three months, or until such pecuniary penalty or penalties shall be paid.

XXIII. Provided nevertheless, That it shall and may be lawful to and for such justices of the peace from time to time, where they see cause, to mitigate, compound, or lessen any of the said forfeitures or penalties, as they in their discretion shall think fit, so as such mitigation do not extend to remit above one moiety of the penalties inflicted and directed to be levied by this act; and every such mitigation shall be a sufficient discharge to the persons offending respectively, for so much of the said penalties and forfeitures as shall be so lessened, mitigated, or remitted.

Power of mitigating the said penalties.

XXIV. Provided also, That if any person or persons shall find him, her, or themselves aggrieved, or remain unsatisfied in the judgment of the said justices, then such person or persons shall and may by virtue of this act complain or appeal to the justices of the peace at their next quarter sessions to be held for the said city of *London*, who are hereby impowered to summon and examine witnesses upon oath, and finally to hear and determine the same; and in case of conviction to issue warrant or warrants for levying and compelling by such means as aforesaid the payment of the said penalties and forfeitures.

Quarter sessions finally to determine appeals.

XXV. And it is hereby further enacted by the authority aforesaid, That all the penalties to be levied by virtue of this act shall be paid and applied in manner following; that is to say, one moiety thereof to the person or persons who shall inform and sue for the same, and the other moiety to the alderman of the ward where such offence shall be committed, to be by him paid over into the chamber of *London*, to be accounted for and applied as part of the fund for providing and maintaining such lights within the said city as aforesaid.

Penalties how to be applied.

XXVI. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, that in every such case the action or suit shall be brought within six months next after the fact committed, and not afterwards, and shall be laid and brought in *London*, and not elsewhere; and the defendant or defendants in such action or suit so to be brought shall and may plead the general issue, Not guilty, and give this act and the special matter in evidence at any trial to be had thereupon; and if the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or actions, suit or suits, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant and defendants shall and may recover treble costs, and have such remedy

Limitation of actions.

General issue.

Treble costs.

medy for the same as any defendant or defendants hath or have in any other cases by law.

Publick act.

XVII. And be it further enacted by the authority aforesaid, That this act shall be deemed, adjudged, and taken to be a publick act, and be judicially taken notice of as such by all judges, justices, and other persons whatsoever, without specially pleading the same.

CAP. XXI.

1 Geo. 2. c. 3. An act for repairing the highways from Sunning Lane End, next Twyford, to the Old Bear Inn in Reading in the county of Berks.

CAP. XXII.

An act for rebuilding the parish church of Gainsburgh in the county of Lincoln.

WHEREAS the body of the parish church of Gainsburgh in the county of Lincoln is much decayed and in a ruinous condition; and the walls, arches, and pillars thereof are so shaken and declined from their proper positions, that the said church is in the opinion of judicious workmen incapable of being repaired; but as the expence of taking down and new erecting thereof will be too heavy upon many of the parishioners, unless a fund be established for raising the same by small payments, from an annual tax or duty, &c.

CAP. XXIII.

An act for laying a duty upon the retailers of spirituous liquors, and for licensing the retailers thereof.

Preamble.

These duties

are repealed by

16 Geo. 2. c. 8.

WHEREAS the drinking of spirituous liquors or strong waters is become very common, especially amongst the people of lower and inferior rank, the constant and excessive use whereof tends greatly to the destruction of their healths, rendring them unfit for useful labour and business, debauching their morals, and inciting them to perpetrate all manner of vices; and the ill consequences of the excessive use of such liquors are not confined to the present generation, but extend to future ages, and tend to the devastation and ruin of this kingdom: for remedy whereof may it please your most excellent Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty ninth day of September in the year of our Lord one thousand seven hundred and thirty six, no person or persons whatsoever shall presume, by him, her, or themselves, or by any other person or persons whatsoever employed by him, her, or them, or for his, her or their benefit, to sell or retail any brandy, rum, arrack, usquebaugh, geneva, aqua vitæ, or any other distilled spirituous liquors, or strong waters, unmixed, or mixed with themselves or any other ingredients, and by whatsoever name or names they are or may be called, publickly or privately, in any less quantity than two gallons, without first taking out a licence for that purpose, as is herein

After 29 Sept. 1736, no person to retail distilled spirituous liquors of any sort,

in less quantity than 2 gallons,

herein after directed, within ten days at least before he, she or they shall sell, or offer to sell, or retail the same, for which he, she or they shall immediately upon taking out thereof pay down for the same the sum of fifty pounds in manner following; that is to say, If such licence be taken out within the limits of the penny post, then the same shall be paid at the chief office of excise in *London*, or at any other place, and to such persons as his Majesty's commissioners for the duties of excise for the time being shall appoint to receive the same; and that such persons as by the said commissioners shall be appointed, are hereby empowered to deliver such licences to any such person or persons upon his, her or their paying down for the same the aforesaid sum of fifty pounds at the time of taking out thereof; but if such licence shall be taken out without the limits aforesaid, then the same shall be paid by all and every the persons so taking out such licence at the office of excise next adjoining to the place where he, she or they respectively reside or inhabit, or at any other place, and to such persons, as his Majesty's commissioners for the duties of excise for the time being shall appoint to receive the same; and such persons as by the said commissioners shall be appointed, are hereby empowered to deliver such licences to any such person or persons, upon his, her or their paying down for the same the aforesaid sum of fifty pounds at the time of taking out thereof.

II. And be it further enacted by the authority aforesaid, That every person or persons, that shall take out such licence as aforesaid, is and are hereby required to take out a fresh licence ten days at least before the expiration of twelve months after the taking out of the first licence, before he, she or they do presume or offer to sell any such spirituous liquors in any less quantity than two gallons, and in the same manner to renew such licence from year to year, paying down the like sum of fifty pounds for each and every new or renewed licence, at the places, and at the times before mentioned; and if any person or persons shall presume or offer to sell or retail any of the said spirituous liquors in any less quantity than aforesaid, without taking out such licence, and renewing the same yearly, as in manner aforesaid, he, she or they shall respectively forfeit and lose the sum of one hundred pounds for each offence.

III. And be it further enacted by the authority aforesaid, That for all such spirituous liquors, or strong waters, by whatever name or names they are or may be called, as any person or persons retailing them, or any of them, in any less quantity than aforesaid, or any person or persons in trust for him, her or them, or for his, her or their use or benefit, shall be possessed of, or interested in, upon the said twenty ninth day of September, one thousand seven hundred and thirty six, or at any time after, there shall be raised and paid unto your Majesty, your heirs and successors, a duty after the rate of twenty shillings for every gallon thereof, and in that proportion for a greater or lesser quantity, to be paid by the respective retailers thereof,

without paying down 50 l. for a licence, at the excise office in London, if in the limits of the penny post;

if without those limits, at the excise office next adjoining to the person's place of residence.

The like sum to be paid on renewing the licence every year, 10 days before the expiration of the old one.

100 l. penalty on retailing without such licence, and renewal.

11 Geo. 2. c. 26.

24 Geo. 2. c. 40.

20s. per gallon on all spirituous liquors retailed after 29 Sept. 1736, to be paid by the retailers. These duties repealed 16 Geo. 2. c. 8.

over and above all other duties charged and chargeable on the same.

Such liquors
retailed in
England, &c.
to be under
the manage-
ment of the
commissioners
of excise.
Those in Scot-
land, under
the commis-
sioners of ex-
cise there.

All monies a-
rising by these
duties and li-
cences to be
paid into the
exchequer,
distinctly from
all other pub-
lick revenues.

The act 12
Car. 2. for
taking away
the court of
wards and
liveries, &c.
and all others
relating to the
excise on ale,
&c. to be in
force for re-
covering these
duties.

IV. And, for the better ascertaining, charging, collecting, raising, levying and securing the rates and duties by this act imposed on the said spirituous liquors, and preventing frauds therein, be it further enacted by the authority aforesaid, That such of the said rates and duties by this act granted, as are charged upon such spirituous liquors as shall be retailed in *England, Wales*, or the town of *Berwick upon Tweed*, shall be under the receipt and management of the commissioners and officers of his Majesty's revenue of excise in *England* for the time being; and such of the said rates and duties as are imposed by this act upon such spirituous liquors as shall be retailed in *Scotland*, shall be under the receipt and management of the commissioners and officers of the excise in *Scotland* for the time being; which said several and respective commissioners of excise, or the major part of them, shall be his Majesty's commissioners for granting such licences for retailing such spirituous liquors; and the said respective commissioners of excise, or the major part of them, have hereby power by commission under their respective hands and seals to constitute and appoint under them such officers as shall be necessary in that behalf; and all monies arising by the said duties and by the licences for the sale thereof herein before mentioned (the necessary charges of raising and accounting for the same excepted) shall from time to time be paid into the receipt of his Majesty's exchequer distinctly and apart from all other branches of the publick revenues, subject and liable to the uses and purposes herein after mentioned.

V. And be it further enacted by the authority aforesaid, That all and every the powers, authorities, directions, methods, penalties, forfeitures, clauses, matters and things, which in and by an act made in the twelfth year of the reign of his late majesty King *Charles the Second*, intituled, *An act for taking away the court of wards and liveries, and tenures in capite, and by knight service, and purveyance, and settling a revenue upon his Majesty in lieu thereof*, or by any other law now in force relating to his Majesty's revenue of excise upon beer, ale, and other liquors, as are provided, settled or established for managing, levying, raising, collecting, mitigating, or recovering, adjudging, or ascertaining the duties thereby granted, or any of them (other than in such cases for which other penalties or provisions are prescribed by this act) shall be exercised, applied, used and put in execution in and for the managing, raising, levying, collecting, mitigating, adjudging, ascertaining, recovering and paying the duties upon the said spirituous liquors by this act granted, as fully and effectually to all intents and purposes, as if all and every the said powers, authorities, rules, directions, methods, penalties, forfeitures, clauses, matters and things were particularly repeated and again enacted in the body of this present act; and that one moiety of the fines, penalties and forfeitures, by this act granted, shall go and be paid to his Majesty, his heirs and

successors,

successors, and the other moiety thereof to the person or persons who shall inform or sue for the same.

VI. And be it further enacted by the authority aforesaid, That every person or persons, who after the said twenty ninth day of *September*, one thousand seven hundred and thirty six, shall sell or offer to sell or retail any spirituous liquors or strong waters, by whatever name or names they are or may be called, in any less quantity than two gallons, shall, at least ten days before he, she or they shall sell or offer to sell by retail any such spirituous liquors or strong waters, make a true and particular entry in writing of all warehouses, storehouses, shops, cellars, vaults, rooms or other places whatsoever, by him, her or them respectively used, or intended to be used, for the laying, keeping, or retailing any of the said spirituous liquors, or strong waters, at the next office of excise within the limits wherein such warehouses, storehouses, shops, cellars, vaults, or other rooms or places shall be situated, and also of all spirituous liquors, or strong waters, by whatever name or names they are or may be called, which at the time of making such respective entries, or which at any time after, shall be in such warehouses, storehouses, shops, cellars, vaults, rooms, and other places, and every of them respectively, upon pain of forfeiting the sum of twenty pounds for every such warehouse, storehouse, shop, cellar, vault, room, and other place, which shall be so made use of by such retailer, and forty shillings for every gallon of such spirituous liquors or strong waters, which shall be concealed, and not entered as herein is directed, together with all the spirituous liquors or strong waters which shall be found therein, or concealed as aforesaid, and the casks and other vessels containing the same.

An entry in writing to be made of all warehouses, &c. at the next office of excise, 10 days before retailing such liquors,

on penalty of 20 l. for each warehouse, &c. and forfeiting 40 s. per gallon, with the liquor and casks.

VII. And, for the better securing the duties hereby granted, and preventing any foreign brandies, strong waters, or other spirits, to be run into this kingdom; be it further enacted by the authority aforesaid, That from and after the said twenty ninth day of *September*, one thousand seven hundred and thirty six, no brandy, rum, arrack, *aqua vitæ*, usquebaugh, or any other spirituous liquors, or strong waters, by whatever name or names they are or may be called, shall be brought into any such warehouse, storehouse, shop, cellar, vault, room, or other place made use of by any retailer of any of the said spirituous liquors or strong waters, without first giving notice thereof to the officer of excise of the division or place where such warehouse, storehouse, shop, cellar, vault, room or other place in which such spirituous liquors or strong waters as aforesaid, are intended to be lodged, is situated, and producing to the said officer, and leaving with him an authentick certificate, that the duties charged or chargeable by any law now in being upon the said spirituous liquors or strong waters have been actually paid, or that the same have been condemned as forfeited, or were part of the stock of some retailer of any of the said spirituous liquors or strong waters, of which an account had been taken

No spirituous liquors to be brought into any warehouse, &c. without notice to the excise officer, and authentick certificate, that the duties have been paid, &c. on penalty of 20 l.

taken pursuant to this act, and expressing the quantity and quality thereof, the name of the seller, and at what place the said duties were paid, or the said liquors condemned as aforesaid, or of whose stock the same was part; on pain of forfeiting the sum of twenty pounds, together with the said liquors so brought in without such notice and certificate as aforesaid, with the casks and all other vessels whatsoever containing the same.

40 s. per gallon penalty on increasing spirituous liquors, after the account taken of them by the officer; and the liquors forfeited to his Majesty.

VIII. And be it further enacted by the authority aforesaid, That from and after the said twenty ninth day of *September*, one thousand seven hundred and thirty six, no retailer of any such spirituous liquors or strong waters as aforesaid, shall make any increase of such liquors, after the same have been taken an account of by any officer or officers for the said duties hereby granted, by any private or clandestine addition thereto of water, or any other liquors, on pain of forfeiting the sum of forty shillings for every gallon of such spirits, and water, or other liquors mixed as aforesaid; all which spirituous liquors so mixed shall and may be seized and taken by the officers of the said duties for his Majesty's use.

Officer may enter warehouses, &c. by day or night, and taste and gauge the liquors there found.

IX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the officers of the duties by this act granted, or any of them, from time to time, and at all times by day and by night (but if in the night-time in the presence of a constable or other officer of the peace, oath being first made by any such officer or other person before any justice of the peace dwelling in or near such place, of a probable cause of suspecting the concealment of any such spirituous liquors therein) to enter into all and every the said warehouses, storehouses, shops, cellars, vaults, rooms, or other places made use of by any retailer of any such spirituous liquors or strong waters as aforesaid, for keeping the same, and by tasting, gauging, or otherwise, to take an account of the quantity or quality of all such spirituous liquors or strong waters, as shall at any time be in their or any of their custody; and if any such retailer as aforesaid shall hinder or refuse the said officer or officers to enter into his, her or their warehouses, storehouses, shops, cellars, vaults, rooms and other places, or any of them, to take such account as aforesaid, or shall let, hinder, or obstruct the said officer or officers in the execution of any of the powers or authorities by this act given to him or them, the person or persons offending therein shall for every such offence forfeit and lose the sum of fifty pounds.

50 l. penalty on obstructing the officer in his duty.

X. And whereas many persons concerned in trades, who employ great numbers of journeyman, workmen, servants, labourers, and other artificers, deal in spirituous liquors, and retail the same at excessive rates to persons working under them; be it further enacted by the authority aforesaid, That from and after the said twenty ninth day of *September*, one thousand seven hundred and thirty six, no licence shall be granted to any person or persons whatsoever, for selling by retail any spirituous liquors or strong waters whatsoever, except to such persons only who shall keep publick

Licences to be granted to persons keeping victualling-houses, inns, &c. only.

publick victualling-houses, inns, coffee-houses, ale-houses, or brandy-shops, and use or exercise no other trade whatsoever; and if such licences shall be granted, the same are hereby declared void to all intents and purposes.

XI. And be it enacted by the authority aforesaid, That if any person or persons shall, from and after the said twenty ninth day of *September*, one thousand seven hundred and thirty six, agree or contract with any journeyman, workman, servant, labourer, or other person employed by or working under him, or them respectively, in manner following; that is to say, If such master, mistress, or other person or persons, shall agree to pay such journeyman, workman, servant, labourer, or other person employed by or working under him, her, or them, or under his, her, or their direction, so much money for wages, and such a quantity of spirituous liquors or strong waters, as together with such money shall amount to the value of the wages as shall be ordinarily and usually paid for the work such journeyman, workman, servant, labourer, or other person, shall be employed in, or shall set off, stop, or deduct, all or any part of the wages or hire due to such journeyman, workman, servant, or labourer, for any spirituous liquors or strong waters delivered to them by him, her, or them, or any other person, such person or persons, so offending, shall be deemed a retailer within the meaning of this act, and shall, for every offence, forfeit the sum of twenty pounds over and above all other the penalties and forfeitures imposed by this act; and such journeyman, workman, servant, labourer, or other person, shall be intitled to his or her whole wages, notwithstanding any such agreement, setting off, stopping, or deducting, and shall have the like remedy in law for the same, as if all or any part of such wages were not paid.

Persons paying any part of journeymens wages in spirituous liquors, to be deemed retailers,

and forfeit 20l

Journeyman, &c. to recover his whole wages, notwithstanding such agreement.

Spirituous liquors may be still used in medicines.

XII. Provided always, That this act shall not extend to any physicians, apothecaries, surgeons, or chymists, as to any spirits or other spirituous liquors, which they may use in the preparation or making up of medicines for sick, lame, or distempered persons only.

XIII. And be it further enacted by the authority aforesaid, That from and after the said twenty ninth day of *September*, one thousand seven hundred and thirty six, no person or persons shall hawk, sell, or expose to sale any brandy, spirituous liquors, or strong waters, by whatever name or names they are or may be called or distinguished, about the streets, highways, or fields, in any wheelbarrow or basket, or upon the water in any ship, boat, or vessel, or in any other manner whatever, or shall sell or expose the same to sale on any bulk or bulks, stall or stalls, or in any shed or sheds, or on or in any other place or places, other than in such place or places as are herein before in this act mentioned or allowed, upon pain of forfeiting, for every such offence, the sum of ten pounds; and it shall and may be lawful to and for any one or more justice or justices of the peace for the county, riding, division, city, or

10 l. penalty on hawking spirituous liquors in the streets, fields, &c.

11 Geo. 2. c.

26. f. 5.

17 Geo. 2. c.

17. f. 26.

24 Geo. 2. c.

40.

liberty

liberty respectively, wherein such offence shall be committed, on his or their own view, or on confession of the party, or by proof on the oath of one or more credible witnesses or witnesses made of such offence, to convict any person or persons so offending as aforesaid, and such person or persons so offending and convicted, shall immediately on such conviction pay the said sum of ten pounds into the hands of the churchwardens and overseers of the poor of the parish where such offence shall be committed, or one of them; and on such offender or offenders refusing or neglecting to pay the said sum, the justice or justices so convicting as aforesaid shall and may by warrant or warrants under his or their hand and seal or hands and seals, commit the offender or offenders to the house of correction for the said county, city, or liberty respectively, there to remain and be kept to hard labour for the space of two months, to be reckoned from the day of the said commitment; and the person or persons so committed shall not be discharged until he, she, or they shall have paid the said sum of ten pounds, or until the expiration of the said two months; and every sum or sums of money arising from the conviction of any person or persons as aforesaid, in case there be no informer, shall be wholly applied to the use of the poor of the parish, wherein the offence was committed, but if there shall be an informer, one moiety of such money shall be paid to the informer, and the other moiety shall be paid to the overseers and churchwardens as aforesaid, or one of them, and applied to the use of the poor of the parish as aforesaid.

The offender, on not paying the penalty, to be sent to the house of correction for 2 months.

10 Geo. 2. c. 17. s. 9.

Retailers of spirituous liquors to be licensed by 2 or more justices.

Fee for such licence.

Any justice may convict a person selling beer, ale, or strong waters, or keeping a disorderly house, in the following form,

XIV. Provided, and it is hereby declared, That nothing in this act shall extend or be construed to enable any person or persons to sell any spirituous liquors or strong waters by retail, unless such person or persons be first licensed by two or more of his Majesty's justices of the peace for the county, riding, division, city, or liberty, wherein such person or persons shall sell the said liquors, under the hands and seals of the said justices; for which licence or licences the sum of two shillings and six pence, and no more, shall be paid to the clerks of such justices, and no fee or sum of money, or other reward whatsoever, to the clerk or clerks of the peace for entering the same, or on any other account, on pain of forfeiting five pounds, in case any of the said justices clerks or any clerk of the peace shall ask, receive, or demand any more or other fee or fees on account of such licences, under any pretence whatsoever; and if the licence is not found and provided by the said justices clerks, then no fee whatsoever shall be due or received by them.

XV. And be it further enacted by the authority aforesaid, That for the more easy and expeditious suppressing the houses of such persons who shall presume to sell any spirituous liquor, or any cyder, ale, beer, or other liquors by retail without a licence from two or more justices of the peace for that purpose, and of disorderly houses wherein any persons shall sell any of the said liquors by retail, it shall be sufficient for any justice or justices

stices of the peace, who shall convict any person or persons of any or either of the said offences, to draw up and return such conviction in either of the following form of words, as the case shall happen, or in any other form of words to the same effect, *mutatis mutandis*, that is to say,

Middlesex, A. B. is convicted on his or her own confession (or on the oath of) of having sold beer, ale, or strong waters in the parish of in this county, on the day of without being duly licensed thereto by two justices of the peace.

Given under my (or our) hand and seal (or hands and seals) this day of

or in case of disorderly houses, instead of the words [*of having sold beer, ale, or strong waters without being duly licensed thereto by two justices of the peace*] to use the words following [*of keeping a disorderly house*] and if occasion requires, to add, that the same is the first, second, or third conviction; which said convictions, in the same or like form of words, shall be good and effectual in law to all intents and purposes, and shall not be quashed, set aside, or adjudged void or insufficient for want of any other form of words whatsoever, subject nevertheless to an appeal to the next general quarter sessions of the peace for the county, riding, division, city, or liberty, where such offence was committed, after such conviction, by any party aggrieved thereby.

XVI. And be it further enacted by the authority aforesaid, That from and after the said twenty ninth day of September, one thousand seven hundred and thirty six, if any person or persons, who shall vend, sell, or utter any wares, goods, provisions, or other things by retail, shall give away any spirituous liquor or liquors to any servant or apprentice coming to his, her, or their shops or houses to buy, fetch, or carry away any such wares, goods, provisions, or other things, or under the pretence of his or her being a customer, or under any other pretence, every such person or persons, so giving away such spirituous liquor or liquors, shall be deemed and taken to be a retailer or retailers of spirituous liquors within the meaning of this act, and as such shall be subject and liable to the penalties and forfeitures imposed by this act on every retailer of spirituous liquors, offending contrary to the true intent and meaning of this act.

Persons giving away spirituous liquors to servants or apprentices fetching goods from their shops, deemed retailers.

XVII. And be it further enacted by the authority aforesaid, That the duties and revenues which shall arise by licences for vending brandy or spirits, as also the present duties on low wines, strong waters, brandy, rum, arrack, and all other spirits, whether foreign or British, and such duties as shall arise by retailing the same, shall from and after the said twenty ninth day of September, one thousand seven hundred and thirty six, be

The said duties made part of the aggregate fund.

be united to and made part of the general or aggregate fund established by the act of the first year of the reign of his late majesty King George the First, and be issued and applied to the uses to which the said fund is or shall be made applicable.

XVIII. *And whereas the said duties upon low wines, strong waters, brandy, rum, arrack, and all other spirits, whether foreign or British, are amongst other duties and revenues charged with and liable to pay several sums of money, as well for the support of his Majesties household and family, and the honour and dignity of the crown, as for payment of annuities and other payments to several corporations, and to other persons intitled thereunto; and it may so happen, that by making the alterations aforesaid in the said duties, the funds charged with the payments aforesaid may prove deficient: and whereas by a medium of eight years, computed from the time of his Majesty's happy accession to the throne to Midsummer last past, the sum of seventy thousand pounds is taken to be the medium of the annual produce of what has been applied of the duties aforesaid to the service of his Majesty's household and family: to the end therefore that neither his Majesty, nor any other person or persons, bodies politick or corporate, who is or are intitled to any part, share, or interest in the money arising by the said duties, may be losers, or receive any prejudice by the alterations aforesaid; be it enacted by the authority aforesaid, That from and after the said twenty ninth day of September, one thousand seven hundred and thirty six, there shall be paid to his Majesty during his natural life (which God long preserve) out of the monies of the said general or aggregate fund, the sum of seventy thousand pounds per annum, being the aforesaid medium of what has annually been applied of the duties aforesaid towards the service of his Majesty's household and family and other his expences and occasions, from his happy accession to the throne to Midsummer last past.*

70,000 l. per ann. to be paid to his Majesty out of the said fund.

Deficiencies how to be supplied.

XIX. And be it further enacted by the authority aforesaid, That when and as often as any deficiency shall happen upon any other the funds, for which the said duties were applicable, it shall and may be lawful to and for the commissioners of his Majesty's treasury now being, or the high treasurer, or the commissioners of his Majesty's treasury for the time being, to make good and supply the said deficiency from time to time out of the said general or aggregate fund.

Justices may summon excise officers to give an account on oath touching the entries of spirituous liquors, &c. made by persons suspected to sell them without licence.

XX. And for the more easy discovery of persons, who shall keep a common ale-house or tippling-house without licence, or who shall presume to sell any spirituous liquors, or any ale, beer, cyder, perry, or other liquors by retale, without such licence or licences as are by law required for vending the same; be it enacted by the authority aforesaid, That it shall and may be lawful to and for every justice or justices of the peace to summon or call before him or them any excise officer or gauger within their respective divisions, and to examine the said officer or gauger upon oath touching the entry of any spirituous liquors, ale, beer, cyder, or perry, made by any person suspected to sell the same without

without licence, and every person making such entry, shall be deemed a seller of such liquors so entred to all intents and purposes, as if the same had been proved before such justice or justices by the oath of two witnesses.

XXI. And be it further enacted by the authority aforesaid, That from and after the twenty ninth day of September, one thousand seven hundred and thirty six, any person or persons, who have followed and exercised the art or business of distillation for seven years last past, or have served, or on the twenty fifth day of March, one thousand seven hundred and thirty six, were serving any apprenticeship to the same, shall and may have full liberty and authority to exercise and follow any other trade, art, business, or manufacture in any city, town or place, within that part Great Britain called England; any law, charter, grant, custom, or usage, to the contrary notwithstanding.

Persons who have exercised distilling 7 years, or on 25 March, 1736, were apprentices, &c. may follow any trade in any city, &c. 10 Geo. 2. c. 19.

XXII. Provided nevertheless, That nothing in this act contained shall extend to charge with any of the duties directed to be paid, levied or received, as aforesaid, any spirits made or distilled from malt, and retailed and consumed within that part of Great Britain called Scotland, which spirits are commonly called or known by the name of *Aqua vitæ* in that part of the kingdom, or to subject the makers, sellers or retailers thereof within that part of the kingdom to take such licences as are herein before directed.

This act not to extend to aqua vitæ retailed and consumed in Scotland.

C A P. XXIV.

An act for exhibiting a bill in this present parliament for naturalizing her royal highness the princess of Wales.

WHEREAS the King's most excellent majesty (whom God long preserve) hath been graciously pleased, to the great joy and satisfaction of his people, and for the strengthening and securing of the protestant interest, to marry his eldest son his royal highness the prince of Wales, who by following the example of his royal father, is possessed of virtues and accomplishments, which render him worthy of his great ancestors, to a princess of the highest personal merit, and of the ancient and illustrious house of Saxe Gotha, a family remarkable for their exalted virtues, and for their steady adherence to the protestant religion: and whereas we are desirous upon this occasion to express our just sense of his Majesty's great goodness to us, and our esteem and affection for this excellent princess, by rendering her capable of enjoying all our rights and privileges: and whereas by an act passed in the first year of his late majesty King George, it was enacted, That no person should be naturalized, unless in the bill exhibited for that purpose there be a clause, or particular words inserted, to declare, that such person shall not thereby be enabled to be of the privy council, or a member of either house of parliament, or to take any office or place of trust, either civil or military, or to have any grant of lands, tenements or hereditaments, from the crown, to himself, or any person in trust for him; and that no bill of naturalization should from thenceforth be received in either house of parliament,

Recital of the clause in the act 1 Geo. 1. c. 4. concerning bills of naturalization.

unless

A bill for naturalizing the princess of Wales may be exhibited, without inserting the words directed by that clause.

unless such clause or words be first inserted or contained therein; we therefore your Majesty's most dutiful and loyal subjects, the lords spiritual and temporal, and commons of Great Britain, in parliament assembled, do most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That a bill for the naturalization of her royal highness the princess of Wales (without the clause or particular words directed by the said recited act to be inserted) shall and may be exhibited and brought into this parliament; the said recited act, or any other law, statute, matter or thing whatsoever, to the contrary notwithstanding.

C A P. XXV.

An act for more equal paying and better collecting, certain small sums for relief of shipwrecked mariners, and distressed persons, his Majesty's subjects, in the ports of Cadiz and Port Saint Mary's in the kingdom of Spain, and for other uses, usually contributed to by the merchants trading to the said ports.

Preamble.

WHEREAS it hath long been the custom and usage for the consul appointed for his Majesty's subjects trading to Cadiz and Port Saint Mary's, with the majority of the British merchants and factors there, to receive certain small sums, not exceeding one royal plate per ducat, upon the amount of the freight of all merchandize not paying freight by the tun, and two royals plate per tun upon all tunnage goods imported in British or Irish ships or vessels; which sums have been received by persons annually chosen as treasurers for that purpose, and applied by them for the relief of ship-wrecked mariners, and other distressed persons his Majesty's subjects, and for such other good and useful purposes, as have been directed by the said consul, with the majority of the said merchants and factors: and whereas several persons have refused to pay, or eluded the payment of such sums for the charitable purposes aforesaid, which hath occasioned an unequal charge upon others of his Majesty's subjects trading to the said ports: now, in order to encourage and promote the good ends and purposes so established, and to render the contributions thereto more equal and certain, may it please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty ninth day of September, which shall be in the year of our Lord one thousand seven hundred and thirty six, it shall be lawful to and for such person or persons as shall be appointed by the consul named for his Majesty's subjects trading to the said ports of Cadiz and Port Saint Mary's for the time being, together with the majority

After 29 Sept. 1736, the person appointed by the consul, with the majority of the British mer-

majority of the *British* merchants and factors there, to receive and recover from all masters and other chief officers and commanders of all *British* and *Irish* ships or vessels trading to the said ports, any sum or sums of money, not exceeding one ryal plate *per* ducat on the freight of all goods and merchandize (except tunnage goods) imported into the said ports in such ships and vessels; and on all tunnage goods, any sum or sums of money, not exceeding two ryals plate *per* tun; and all bills of lading of such ships and vessels, shall specify to pay the said monies accordingly, under the denomination of *contribution*, as by *act* of parliament, or to that effect; and the persons paying the same shall be reimbursed by their respective freighters, or by the persons to whom the said goods and merchandizes shall be consigned, or who shall receive the same; and in case the master or commander of such ship or vessel shall neglect to specify the payment of the said monies in the bill or bills of lading as aforesaid, he shall be answerable for the same; or in case no bill of lading shall appear, or no freight or tunnage be settled between the owner or owners of the goods, and the master or commander of any *British* or *Irish* ship or vessel trading as aforesaid, then the freight or tunnage of such goods or merchandize shall be valued by two indifferent *British* merchants on the place, one to be appointed by the consul, and the other by the master or commander of such ships or vessels, within ten days next after the unloading of the said goods. And in case the two persons so chosen shall not agree and award the same in three days next after such appointment, such two persons shall then choose a third person, being a *British* merchant on the place, as an umpire, who shall decide and determine the said valuation of freight or tunnage in three days; and such sums shall be paid in either case for the purposes aforesaid, as shall be agreeable to this act.

II. And be it further enacted by the authority aforesaid, That all masters, commanders, or other chief officers of all *British* or *Irish* ships or vessels trading to the ports of *Cadiz* and *Port Saint Mary's*, and unloading and delivering the ship or vessel or any part of the cargoe there, shall, within ten days after the arrival of such ship or vessel deliver to the consul residing there, or to such other person or persons as shall be appointed for that purpose by him, a true manifest in writing upon oath, specifying the particulars of the whole cargoe of such ships or vessels so unloaded or delivered, or such part thereof as shall be unloaded or delivered there, and to whom consigned; which oath such consul, or other person or persons to be appointed by him, is and are hereby respectively impowered and required to administer *gratis*.

III. And for better collecting the said monies herein before directed to be paid for the charitable and other publick uses aforesaid, be it enacted, That the said consul, or other person or persons appointed by him, in either of the said ports of *Cadiz* or *Port Saint Mary's*, shall, and they are hereby respectively au-

chants there, may receive one ryal plate *per* ducat for all goods imported to *Cadiz* and *Port Saint Mary's*, &c.

Masters of vessels, in 10 days after arrival, to deliver a true manifest in writing, on oath, of their cargoes.

Clearances outward to be detained on nonpayment.

thorized and required to detain the clearances outward of all *British* or *Irish* ships and vessels, and not give and deliver any dispatch or bill of health for any such ship or vessel, until payment be made as aforesaid; and in case the master or commander of such ship or vessel, in order to avoid the payment of the said monies, shall at any time think proper to depart without his said clearances outwards, in such case the consul shall, upon the return of the said master or commander to any port of his Majesty's dominions, have a just action at law against him for all the money which by virtue of this act ought to have been paid.

Application of
the monies so
raised.

IV. And be it further enacted, That all monies to be raised or received as aforesaid, shall be applied in the manner above mentioned; that is to say, To the succour and relief of shipwrecked mariners, and other distressed persons his Majesty's subjects, and to such other charitable and publick uses, as shall from time to time be appointed by the consul for the time being, with the majority of *British* merchants and factors residing at the said ports of *Cadiz* and *Port Saint Mary's*.

Consul may
summon ge-
neral meetings
of the *British*
merchants to
determine all
matters relat-
ing to the pre-
misses.

V. And be it further enacted by the authority aforesaid, That the consul for the time being, appointed for his Majesty's subjects trading to the ports of *Cadiz* and *Port Saint Mary's*, shall from time to time as he shall see occasion for effecting the purposes of this act, call and summon a general meeting of the *British* merchants and factors residing at the said ports; and he is hereby obliged and required from time to time to call and summon general meetings or assemblies, as often as he shall be desired by writing under the hands of any five or more of the *British* merchants or factors aforesaid; and the majority at such meetings or assemblies shall from time to time order and determine all matters and things relating to the premises.

Publick act.

VI. And be it enacted by the authority aforesaid, That this act shall be esteemed and taken in all courts of justice and elsewhere to be a publick act, and shall be taken notice of as such, without specially pleading of the same; and if any action shall be brought, or suit commenced, against any person or persons for any thing done in pursuance of this act, or in relation to the premises, the defendant or defendants in such action may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of the said act; and if the same shall appear to have been so done, then the jury shall find for the defendant or defendants; or if the plaintiff or plaintiffs shall become nonsuited, or suffer a discontinuance of his, her, or their action or actions, or if a verdict shall pass against the plaintiff or plaintiffs, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have full costs, and shall have such remedy for the same, as any defendant or defendants hath or have for costs in other cases by law.

General issue.

Full costs.

CAP.

CAP. XXVI.

An act for indemnifying persons who have omitted to qualify themselves for offices within the time limited by law, and for allowing further time for that purpose; and for amending so much of an act passed in the second year of the reign of his present Majesty, as requires persons to qualify themselves for offices before the end of the next term or quarter sessions; and also for enlarging the time limited by law for making and subscribing the declaration against transubstantiation; and for allowing further time for inrolment of deeds and wills made by papists; and for relief of protestant purchasers, devisees, and lessees.

WHEREAS divers persons, who on account of their offices, places, employments or professions, or any other cause or occasion, ought to have taken and subscribed the oaths or the assurance respectively appointed to be taken by such persons in and by an act made in the first year of the reign of his late majesty King George the First, of glorious memory, intituled, *An act for the further security of his Majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants, and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors; or to have qualified themselves according to an act made in the twenty fifth year of the reign of King Charles the Second, intituled, An act for preventing dangers which may happen from popish recusants, by receiving the sacrament of the Lord's supper according to the usage of the church of England, and making and subscribing the declaration against transubstantiation therein mentioned; have, through ignorance of the law, absence, the shortness of the time allowed for that purpose, or some unavoidable accident, omitted to take and subscribe the said oaths or assurance, or otherwise to qualify themselves as aforesaid, within such time, and in such manner, as in and by the said acts respectively, or by any other act of parliament in that behalf made and provided, is required, whereby they may be in danger of incurring divers penalties and disabilities: for quieting the minds of his Majesty's subjects, and for preventing any inconveniencies that might otherwise happen by means of such omissions, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every person or persons, who shall on or before the first day of August, in the year of our Lord one thousand seven hundred and thirty six, take and subscribe the said oaths and assurance respectively, in such cases wherein by law the said oaths or assurance ought to have been taken and subscribed, in such manner and form, and at such place and places, as are appointed in and by the said act made in the first year of the reign of his said late majesty King George the First, and also receive*

Preamble, reciting the acts 1 Geo. 1. c. 13.

15 Car. 2. c. 2.

Persons taking the oaths, receiving the sacrament, &c. by 1 Aug. 1736, indemnified,

ceive the sacrament of the Lord's supper according to the usage of the church of *England*, and make and subscribe the said declaration against transubstantiation, in such cases wherein the said sacrament ought to have been received, and the said declaration ought to have been made and subscribed, shall be and are hereby indemnified, freed and discharged of, from and against all penalties, forfeitures, incapacities and disabilities, incurred or to be incurred for or by reason of any former neglect or omission of taking or subscribing the said oaths or assurance, or receiving the said sacrament, or making or subscribing the said declaration respectively, according to the above mentioned acts, or any of them, or any other act or acts concerning persons in offices or places of trust, and is and are and shall be fully and actually recapacitated and restored to the same state and condition, as such person and persons were in before such neglect or omission, and shall be deemed and adjudged to have duly qualified him, her or themselves, according to the above-mentioned acts, and every of them, and that all acts done or to be done by any such person or persons, or by the authority derived from him or them, are and shall be of the same force and validity, as the same, or any of them, would have been, if such person or persons had taken and subscribed the said oaths and assurance, and received the sacrament of the Lord's supper, and made and subscribed the said declaration respectively, according to the direction of the said acts, and every of them; and that such person or persons qualifying themselves in the manner and within the time appointed by this act, shall be to all intents and purposes as effectual, as if such person or persons had respectively taken and subscribed the said oaths and assurance, and received the said sacrament, and made and subscribed the said declaration, within the time and in the manner appointed by the several acts before mentioned.

and their acts
valid.

This act not
to restore to
any office, &c.
already va-
cated, or en-
joyed by an-
other person.

II. Provided always, That this act, or any thing herein contained, shall not extend, or be construed to extend, to restore or intitle any person or persons to any office or employment benefice, matter or thing whatsoever, already actually avoided by judgment of any of his Majesty's courts of record, or already filled up or enjoyed by another person; but such office, employment, benefice, matter or thing, so avoided, or filled up and enjoyed as aforesaid, shall be and remain in and to the person or persons who is or are now intitled to the same, as if this act had never been made.

The indemni-
fying act
2 Geo 2 c 31.

III. *And whereas the time for taking and subscribing the oaths appointed to be taken and subscribed by persons on account of their offices, places, employments, or professions, or on any other cause, in and by the said act made in the first year of the reign of his late majesty King George the First, is, by an act made in the second year of the reign of his present Majesty, intituled, An act for indemnifying persons who have omitted to qualify themselves for offices and employments within the time limited by law, and for allowing further time for that purpose, and for repealing so much of an act of parlia-*

parliament passed in the first year of his late majesty King George the First, as requires persons to qualify themselves for offices or employments within three months, and for limiting other times for such qualifications; as also for the repeal of so much of an act passed in the thirtieth year of the reign of King Charles the Second, as relates to the sworn servants of the King's or Queen's majesty, *limited to any time before the end of the next term, after he or they shall be admitted into or enter upon any such preferment, benefice, office or place, or come into any such capacity, or take upon him or them such practice, employment, or business, as is therein mentioned, or to any time before the end of the next quarter sessions of the county, city or place, where such person shall be or reside, after he or they shall be admitted into, or enter upon any such preferment, benefice, office or place, or come into any such capacity, or take upon him or them such practice, employment or business as is therein mentioned: and whereas by the said act made in the twenty fifth year of the reign of King Charles the Second, the respective persons therein mentioned are required to make and subscribe the declaration against transubstantiation in the next term, or at the quarter sessions for that county or place where he or they shall reside, next after his or their admittance or admittances into the respective offices or employments therein mentioned, which times so limited in the said several acts are found to be too short and inconvenient; now for remedy thereof, and for amending the said acts by enlarging the said times, be it enacted by the authority aforesaid, That all and every person and persons that shall be admitted, entred, placed or taken into any office or offices, civil or military, or shall receive any pay, salary, fee or wages, by reason of any patent or grant from his Majesty, his heirs or successors, or by his authority, or by authority derived from him or them within that part of Great Britain called England, or in his Majesty's navy, or in the several islands of Jersey and Guernsey, or that shall be admitted into any service, office or employment, in the household or family of his Majesty, or her Majesty, or of his royal highness Frederick prince of Wales, or of any of his Majesty's issue, and all ecclesiastical persons, heads or governors, of what denomination soever, and all other members of colleges and halls within either of the universities of Oxford or Cambridge, that are or shall be of the foundation, or that do or shall enjoy any exhibition, being of, or as soon as they shall attain the age of eighteen years, and all persons teaching or reading to pupils in either of the aforesaid universities, or elsewhere, and schoolmasters and ushers, and all preachers and teachers of separate congregations, high and chief constables, and every person who shall act as serjeant at law, counsellor at law, barrister, advocate, attorney, solicitor, proctor, clerk, or notary, by practising in any manner as such in any court or courts whatsoever, within that part of Great Britain called England, who shall at any time after the first day of August, in the year of our Lord one thousand seven hundred and thirty six be admitted into, or enter upon, any of the aforementioned preferments, benefices,*

All persons admitted into any preferments or places after 1 Aug. 1736, to take the oaths, &c. within six months after admission.

benefices, offices or places, or shall come into any such capacity, or shall take upon him or them any such practice, employment or business as aforesaid, shall take and subscribe the oaths appointed by the statute made in the first year of the reign of his late majesty King George the First, in such form, as by that statute is directed, in his Majesty's court of *Chancery*, *King's Bench*, *Common Pleas*, or *Exchequer*, or at the general or quarter sessions of the county, city or place where such person shall be or reside, at any time within six calendar months after he or they shall be admitted into, or enter upon any such preferment, benefice, office or place, or come into such capacity, or take upon him or them such practice, employment or business, as aforesaid; and all and every person or persons, who, by the said act made in the twenty fifth year of the reign of King Charles the Second, are required to make and subscribe the declaration against transubstantiation, shall make and subscribe the said declaration at the same places, and at the same times, as are by this act limited for taking and subscribing the oaths aforesaid.

Persons beyond the seas allowed to take the said oaths, &c. 6 months after their return.

IV. Provided always, That nothing in this act shall extend to any person beyond the seas, who by virtue of this act ought to take and subscribe the said oaths, or by virtue of the said act made in the twenty fifth year of King Charles the Second ought to make and subscribe the said declaration, so as such person do within six calendar months after his return to or arrival in that part of *Great Britain* called *England*, take and subscribe the said oaths, in such manner and form, and at such place and places, as are appointed in and by the said act made in the first year of the reign of his late majesty King George the First, and also receive the sacrament of the Lord's supper according to the usage of the church of *England*, and make and subscribe the said declaration against transubstantiation, in such cases wherein the said sacrament ought to have been received, and the said declaration ought to have been made and subscribed.

Persons neglecting to take the oaths, &c. in the time herein limited, to incur the penalties inflicted by the said acts.

V. Provided always, and it is hereby further enacted by the authority aforesaid, That all and every person and persons aforesaid that shall neglect or refuse to take the said oaths, or who shall neglect or refuse to make and subscribe the said declaration in cases where the same ought to be made and subscribed, within the time and at the places aforesaid, according to the directions of this act, shall be liable unto and incur all such disabilities, incapacities, forfeitures and penalties, as in and by the said act of the first year of the reign of his late majesty King George the First are provided and inflicted for not taking and subscribing the said oaths, or are provided and inflicted by the said act made in the twenty fifth year of the reign of King Charles the Second for not making and subscribing the said declaration; and in case of executing any such office, place or employment, after such neglect or refusal as aforesaid, every such person and persons, being thereof lawfully convicted in such manner as by the said several acts is directed, shall be liable unto and incur all such disabilities, incapacities, for-

forfeitures and penalties, as in and by the said acts are provided, to be prosecuted, sued for and recovered in such manner as therein is prescribed.

VI. And it is hereby further enacted by the authority aforesaid, That all and every the powers, authorities, conditions, directions and provisions in and by the said acts of the first year of the reign of his late majesty King George the First, and of the twenty fifth year of the reign of King Charles the Second, enacted or provided touching or relating to the taking and subscribing of the said oaths, and the making and subscribing the said declaration, or the neglect or refusal thereof, shall be adjudged, deemed and taken to be in full force, as if the same were herein particularly inserted and re-enacted, except only as to the alteration by this act made in respect of the times limited for taking and subscribing the said oaths, and making and subscribing the said declaration, and also as to the indemnity hereby granted to such who, on or before the first day of August one thousand seven hundred and thirty six, shall take and subscribe the said oaths, and make and subscribe the said declaration, and receive the sacrament of the Lord's supper according to the usage of the church of England, where the same are respectively required by law; any thing herein before contained to the contrary thereof in any wise notwithstanding.

All the powers in the recited acts to continue in full force,

except only as to the alteration made by this act with regard to time.

VII. And whereas by a clause in an act of parliament passed in the third year of his late Majesty's reign, intituled, An act for explaining an act passed in the last session of parliament, intituled, *An act to oblige papists to register their names and real estates*, and for enlarging the time for such registering, and for securing purchases made by protestants; it was enacted, That from and after the nine and twentieth day of September, in the year of our Lord one thousand seven hundred and seventeen, no manors, lands, tenements, hereditaments, or any interest therein, or rent or profit thereout, should pass, alter or change from any papist, or person professing the papist religion, by any deed or will, except such deed within six months after the date, and such will within six months after the death of the testator should be inrolled in one of the King's courts of record at Westminster, or else within the same county or counties, wherein the manors, lands and tenements lie, in such manner as therein for that purpose is particularly directed: and whereas by a clause in another act of parliament passed in the tenth year of his late Majesty's reign, intituled, An act for explaining and amending an act of the last session of parliament, intituled, *An act to oblige all persons being papists, in that part of Great Britain called Scotland, and all persons in Great Britain, refusing or neglecting to take the oaths appointed for the security of his Majesty's person and government by several acts therein mentioned, to register their names and real estates*; and for enlarging the time for taking the said oaths, and making such registers; and for allowing further time for the inrolment of deeds or wills made by papists, which have been omitted to be inrolled, pursuant to an act of the third year of his said late Majesty's reign; and also for giving relief

Recital of a clause in the act 3 Geo. 1. c. 12.

10 Geo. 1. c. 4

to protestant lessees; it was enacted, for the relief of such persons who had neglected or omitted to inroll their deeds or wills, That every deed and will, which had been then made since the nine and twentieth day of September, one thousand seven hundred and seventeen, in order to pass, alter or change any manors, lands, tenements or hereditaments, or any interest therein, or rent or profit thereout, from any person professing the popish religion, though not then inrolled, should be as good and effectual in the law, as the same would have been, in case the said deeds and wills had been inrolled within the time limited by the said clause in the said former act for inrolment of thereof, provided the said deeds and wills should be inrolled on or before the nine and twentieth day of September, one thousand seven hundred and twenty four, in such manner as by the said former act

3 Geo. 2. c. 29.

was directed: and whereas by a clause in another act of parliament, passed in the third year of his present Majesty's reign, intituled, An act for continuing and amending an act regulating the price and assize of bread; for relief of bankrupts whose certificates were not allowed before the expiration of a late act, for the better preventing frauds committed by bankrupts; for allowing further time for inrolment of deeds or wills made by papists, and for relief of protestant purchasers and lessees; and for making further provision concerning certificates relating to the settlements of poor persons, and the charges of maintaining and removing certificated persons; it was enacted, for the relief of such protestant purchasers and lessees, and such other persons as had neglected or omitted to inroll their deeds or wills in due time, that every deed and will then made, since the nine and twentieth day of September, in the year of our Lord one thousand seven hundred and seventeen, in order to pass, alter or change any manors, lands, tenements, or hereditaments, or any interest therein, or rent or profit thereout, from any papist or person professing the popish religion (though not then inrolled) should be as good and effectual in the law, as the same would have been in case the said deeds and wills had been inrolled within the times limited in the clauses in the said former acts for the inrolment thereof, provided the same deeds and wills should be inrolled on or before the nine and twentieth day of September, one thousand seven hundred and thirty one, in such manner as by the said clause in the said first mentioned act was directed: and whereas by a clause in another act of parliament passed in the sixth year of his present Majesty's reign, intituled, An act for allowing further time for the inrolment of deeds and wills made by papists, and for

6 Geo. 2. c. 5.
concerning
papists estates.

relief of protestant purchasers and lessees; it was enacted, That every deed and will then made, since the twenty ninth day of September, one thousand seven hundred and seventeen, in order to pass, alter or change any manors, lands, tenements or hereditaments, or any interest therein, or rent or profit thereout, from any papist or person professing the popish religion (though not inrolled) should be as good and effectual in the law, as the same would have been in case the said deeds and wills had been inrolled within the times limited in the said clauses in the said acts for the inrolment thereof; provided the same deeds and wills should be inrolled on or before the twenty ninth day

day of September, one thousand seven hundred and thirty three, in such manner, as by the said clause in the said first mentioned act is directed: and whereas several of his Majesty's protestant subjects, since the nine and twentieth day of September, one thousand seven hundred and seventeen, have purchased lands, and taken leases upon fines paid, where some small rents have been reserved, from papists or persons professing the popish religion, and having neglected and omitted to inroll their purchase deeds and leases within the times limited by the said clauses in the said acts directed for the inrolment thereof, and are in danger of being defeated of their said purchases and leases: and whereas several infants and others claiming under the last wills and testaments of papists or persons professing the popish religion, may be defeated of their manors, lands, tenements and hereditaments, so devised to them, through the neglect or omission of the executors or trustees of such wills to inroll the same in due time according to the direction of the said clause in the said acts; to relieve therefore such protestant purchasers, devisees, and lessees, and such other persons as have neglected or omitted to inroll their deeds or wills in due time, as aforesaid, be it enacted by the authority aforesaid, That every deed and will made since the nine and twentieth day of September, in the year of our Lord one thousand seven hundred and seventeen, in order to pass, alter or change any manors, lands, tenements or hereditaments, or any interest therein, or any rent or profit thereout, from any papist, or person professing the popish religion, though not inrolled, shall be as good and effectual in the law, as the same would have been in case the said deeds and wills had been inrolled within the times limited by the said clauses in the said acts for the inrolment thereof, provided the same deeds and wills shall be inrolled on or before the nine and twentieth day of September, in the year of our Lord one thousand seven hundred and thirty six, in such manner as by the said clause in the said first mentioned act is directed.

Deeds and wills made since 29 Sept. 1717, for conveyance of the lands of papists, shall be good, if inrolled by 29 Sept. 1736.

VIII. Provided always, That nothing herein contained shall extend, or be construed to extend, to make good any such deed, will or lease already made, and not inrolled, of the want of inrolment whereof advantage shall have been taken on or before the second day of February, in the year of our Lord one thousand seven hundred and thirty five, but every such deed, will and lease, shall remain of such force and effect only, as the same would have had, if this act had never been made, and of none other force or effect.

But not to extend to deeds, wills, or leases, not inrolled, whereof advantage was taken before a Feb. 1735.

IX. And whereas many purchases made by protestants since the said twenty ninth day of September, one thousand seven hundred and seventeen, may be in danger of being impeached or called in question, in regard that some deeds or wills, through which the title thereto is derived, ought to have been inrolled according to the said acts, but have not been so inrolled, by reason that it was not known to such purchasers that the persons who made such deeds or wills were papists; be it therefore further enacted by the authority aforesaid, That

no

No purchase of lands, &c. made by protestants for valuable consideration to be avoided, for want of enrolment;

no purchase made for full and valuable considerations of any manors, messuages, lands, tenements or hereditaments, or of any interest therein, by any protestant or protestants, and merely and only for the benefit of protestants, shall be impeached or avoided, for or by reason that any deed or will, through which the title thereto is derived, hath not been inrolled as required by the said acts, so as no advantage was taken of the want of enrolment thereof before such purchase was made, and so as such purchaser or purchasers had not notice before such their purchase, that the person or persons who made such deed or will was or were a papist or papists, and so as no decree or judgment hath been obtained for want of the enrolment of such deeds or wills.

Exception.

C A P. XXVII.

An act for laying a duty of two pennies Scots, or one sixth part of a penny Sterling, upon every Scots pint of ale and beer brewed, or brought into, and sold within the town of Irvine, and liberties thereof; and for laying a duty of one penny Sterling upon every ton, or ten horse loads of coals, carried to the harbour of the said town, and shipped there for transportation.

Preamble.

WHEREAS the town of Irvine lies very commodiously for trade, at the mouth of the river of that name, and for many years hath been very useful in exportation of coals, to the great advantage of the said town and increase of his Majesty's revenue; but of late the trade of the said town has very much abated, and is in danger of being entirely lost by the decay of the harbour there; which, by reason of the water not being confined to the proper channel, is frequently filled up with sand banks, so that the harbour is of little use, and ships of very small burthen are frequently stout up in the said river for several months, before they can sail out to sea; whereby the trade and navigation of the said town is greatly decreased: and whereas the town house, church, streets, and other publick works and buildings of the said town, particularly the common gaol, and one of the arches of the bridge leading over the said river, are much out of repair: and whereas the said town has, from time to time, been at considerable charges in supporting their navigation, by cleansing the said river and pier or harbour, and maintaining or repairing the other publick works and buildings of the town; yet their revenue is, and always has been, so small and inconsiderable, that what they have hitherto done has proved ineffectual, &c.

The duties are granted for 19 years, from 24 June; 1736.

C A P. XXVIII.

An act for naturalizing her royal highness the princess of Wales.

Preamble.

WHEREAS the King's most excellent Majesty (whom God long preserve) hath been graciously pleased, to the great joy and

and satisfaction of his people, to marry his eldest son Frederick prince of Wales, a prince formed by his Majesty's royal example, and possessed of virtues and accomplishments which render him worthy of his great ancestors, to a princess of the highest personal merit, descended from the ancient and illustrious house of Saxe Gotha, a family distinguished for their steadiness and sufferings in the defence of the protestant religion and of the rights and liberties of their country: and whereas it is just and reasonable, that her royal highness the princess of Wales should be rendered capable of partaking of those rights and liberties, which this nation happily enjoys under his Majesty's most auspicious reign, and which his Majesty by this marriage hath endeavoured to transmit and secure to our posterity; we your Majesty's most dutiful and loyal subjects, the lords spiritual and temporal, and commons, in this present parliament assembled, do most humbly beseech your Majesty, that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That her royal highness the princess of Wales be to all intents and purposes whatsoever deemed, taken, and esteemed, a natural born subject of this kingdom, as if the said princess had been born within this realm; any law, statute, matter, or thing whatsoever to the contrary notwithstanding.

The princess of Wales to be deemed a natural born subject of this kingdom.

CAP. XXIX.

An act for building a bridge cross the river Thames, from the New Palace Yard in the city of Westminster, to the opposite shore in the county of Surrey.

WHEREAS it will be advantageous, not only to the city of Westminster, but to many other of his Majesty's subjects, and to the publick in general, that a bridge be built cross the river Thames from New Palace Yard in the said city of Westminster, to the opposite shore in the county of Surrey; may it therefore please your most excellent Majesty, that it may be enacted, &c.

Commissioners for building the bridge, to meet in the Jerusalem Chamber 22 June, 1736, and adjourn, to appoint in what manner, and with what materials the bridge shall be built. No houses to be erected thereon.

V. AND for the preventing wilful and malicious damaging or destroying the said bridge, or any part thereof, or hindering or interrupting the building of the same; be it enacted by the authority aforesaid, That if any person or persons shall wilfully and maliciously blow up, pull down, or destroy the said bridge, or any part thereof, or attempt so to do, or unlawfully and without authority from the said commissioners or their successors, remove or take away any works thereto belonging, or in any wise direct or procure the same to be done, whereby the said bridge or the works thereof may be damaged, or the lives of the passengers endangered; such offender or offenders being lawfully convicted shall be adjudged guilty

Persons will fully destroy- ing or damaging the bridge, to suffer death.

guilty of felony, and shall suffer death as a felon without benefit of clergy.

The commissioners power of treating with the owners of ground, or houses to be pulled down, and with corporations, executors, guardians, &c. Commissioners to determine the recompence to be made for the damage to the horse ferry, and Sunday's ferry. The loss to the archbishops of Canterbury to be recompensed, as also the Sunday's ferry. Commissioners power with regard to juries impanelled to assess damages. 625,000 l. to be raised by way of lottery. The residue of the money, after payment of the fortunate tickets, to be applied towards the bridge. Commissioners to appoint a treasurer, clerk, &c. Treasurer to enter all payments and disbursements. The accounts to be stated and signed 4 times in every year, and delivered to the parliament. Commissioners accepting of any place of profit, incapable of acting as commissioners. This act not to prejudice the city of London. The bridge to be deemed extra-parochial. Surrey and Middlesex exempted from repairing the bridge.

CAP. XXX.

An act to prevent the lising his Majesty's subjects to serve as soldiers without his Majesty's licence.

Preamble.

WHEREAS divers of his Majesty's subjects have been of late seduced to enlist themselves to serve as soldiers under foreign princes, states, or potentates, which practice is highly prejudicial to the safety and welfare of this kingdom; for remedy thereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if any subject of the crown of Great Britain, from and after the twenty fourth day of June next, shall within the kingdom of Great Britain or Ireland, or from and after the twenty ninth day of September next without the same, enlist or enter himself, or if any person shall procure any subject of his Majesty, his heirs or successors, to enlist or enter himself, or hire or retain any person being a subject of his Majesty, his heirs or successors, with an intent to cause such person to enlist or enter himself, or procure any person being a subject of his Majesty, his heirs or successors, to go beyond the seas, or embark, with an intent and in order to be enlisted to serve any foreign prince, state, or potentate, as a soldier, without leave or licence of his Majesty, his heirs or successors, first had and obtained for enlisting any of the subjects of his Majesty, his heirs or successors, to serve any such foreign prince, state, or potentate, as soldiers, under the sign manual of his Majesty, his heirs or successors, every such person so offending, being thereof lawfully convicted, shall be taken, deemed, and adjudged, to be guilty of felony, and shall suffer death as in cases of felony without benefit of clergy.

Enlisting or procuring his Majesty's subjects to enlist in foreign service, felony without benefit of clergy.

Offences against this act committed out of the realm, may be tried in any county of England.

II. And be it further enacted by the authority aforesaid, That where any offence against this act shall be committed out of this realm, the same may be alledged to be committed, and may be laid, enquired of, and tried, in any county in England.

III. Pro-

III. Provided always, and be it further enacted by the authority aforesaid, That in case any person so enlisted, or inveigled, or enticed to go beyond the seas in order to be enlisted, as a non-commissioned officer, or private soldier, in any foreign service, without his Majesty's licence first had and obtained as aforesaid, shall within fourteen days after such enlisting or agreement to go beyond the seas, voluntarily discover upon oath before any of his Majesty's justices of the peace or other civil magistrate, the person or persons by whom he was so enlisted, inveigled, or enticed, as aforesaid, so as he or they may be apprehended and convicted of the said offence, such person or persons so discovering as aforesaid, shall be indemnified from the penalty inflicted by this act, and all other penalties whatsoever on account of the said offence.

Persons inveigled so to list themselves, making a discovery in 14 days to a justice or magistrate, indemnified.

C A P. XXXI.

An act for continuing the duty of two pennies Scots, or one sixth of a penny Sterling, on every pint of ale and beer, that shall be vended or sold within the city of Glasgow, and for extending the same over the villages of Gorbells and Port Glasgow, and privileges thereof, for the benefit of the said city and villages.

WHEREAS the annual revenues of the city of Glasgow fall very short of defraying the yearly expence of maintaining the government, paying ministers stipends, and repairing and preserving causeways, roads, bridges, churches, hospitals, and other publick buildings and works necessary for the accommodation of the numerous inhabitants of the said city, and for the encouragement of the trade and commerce thereof: and whereas for the better support of the said city an act passed in the parliament of Scotland, in the fourth year of the reign of their late majesties King William and Queen Mary, ^{4 W. & M.} granting to the city an imposition of two pennies Scots upon each pint of ale and beer brewed, in brought, vended, tapped, and sold within the said city and other places therein mentioned, for the term of sixteen years, which grant was, by another act of the parliament of Scotland, in the third year of the reign of her late majesty Queen ^{3 Ann.} Anne, continued for the further term of sixteen years, and by an act of the first year of his late majesty King George the First, was continued till the first day of November, which shall be in the year one thousand seven hundred and thirty eight: and whereas the yearly produce of the said imposition so granted, when added to the city's annual revenue, falls short of the necessary annual expence, so that the city must be obliged to leave the necessary works undone, which will very much check the growing industry and commerce thereof, to contract debts for answering those expences, which must end in the utter destruction of the government of the city, unless some remedy is found: and whereas the village of Gorbells, which is divided from Glasgow only by the river Clyde, holds feue of the said city, and has its support alone from the trade thereof enjoying almost every privilege equal with the city, and reaping the fruit of the expence laid out by them in making

Preamble, reciting the acts.

1 Geo. 1.

making and repairing roads and bridges, at the same time that the city is at a considerable expence in paving the streets of the said village, though the said village is not at present contributory to that expence: and whereas the city of Glasgow purchased the village of Port Glasgow for the accommodation of their trade, and have at great expence built, and are at a continual necessary expence in maintaining and enlarging a very commodious harbour there, which occasions that resort and commerce, by which they obtain considerable profits and advantage: and whereas the extension of the imposition or duty of two pence Scots, or one sixth part of a penny Sterling upon ale and beer, over the said villages of Gorbells and Port Glasgow, which reap the benefit of the commerce as well as the expence of the said city, will enlarge the produce of the said duty granted to the city, and enable them to carry on the government, and defray the necessary expence thereof, &c.

The duties are further continued for 25 years from 1 Nov. 1738.

C A P. XXXII.

An act for continuing, for the purposes therein mentioned, the additional duties upon stamped vellum, parchment, and paper, laid by an act passed in the twelfth year of the reign of his late majesty King George the First.

Preamble, reciting the act
12 Geo. 1. c. 33.

His Majesty's gift of
30,000 l.
First deficiency on four
masters account.

The duty of
6 d. on writs,
&c for supplying it.

WHEREAS by an act of parliament made and passed in the twelfth year of the reign of his late majesty King George the First, intituled, An act for the relief of the suitors of the high court of Chancery, after reciting (amongst other things) that Fleetwood Dormer, and John Borrett, esquires, both deceased, formerly masters of the said court, and Richard Godfrey, and Edward Conway, esquires, then masters of the same court, had been deficient in answering the money and effects ordered by the court into their hands, and which deficiency, after deducting what should be made and produced out of the estates and effects of the said deficient masters, and the sum of thirty thousand pounds given by his Majesty on the address of the house of commons towards the relief of the said suitors, amounted (according to the then computation) to the sum of fifty one thousand eight hundred and fifty one pounds, nineteen shillings, and eleven pence farthing, besides several other claims on the offices of four of the said deficient masters remaining, and which (if allowed) would greatly increase the said deficiency; it was, for relief of the said suitors, and the making a provision for payment of their just debts and demands, enacted, That a duty of six pence on certain writs, and other law proceedings therein mentioned, should be raised, levied, and paid for the term of sixteen years, from the second day of August one thousand seven hundred and twenty six, to be under the direction and management of the commissioners of the stamp duties; and that the money thereby to be raised and collected should be paid into the bank of England, and the said court of Chancery was thereby empowered to borrow any sum of money upon the fund thereby granted, not exceeding in the whole the sum of sixty thousand pounds; and it was thereby enacted, That all the money then deposited, or thereafter to be deposited,

deposited in the bank, on account of the suitors of the said court of Chancery, or by order of the said court, and all the monies arising by the rates and duties given by the said act, or borrowed thereon, and paid into the bank, should be accounted and taken to be one common and general cash, and should be promiscuously issued and issuable, when and as the court of Chancery should direct, for the answering, paying, and clearing the debts and demands of any of the suitors of the said court; and the said court of Chancery were by the said act authorized and empowered, with all convenient speed, to determine the claims and demands of the suitors upon the offices of the said Fleetwood Dormer, John Borrett, Richard Godfrey, and Edward Conway, in a summary way, and cause to be done therein what should be equitable and just: and whereas upon the final settling and determining the claims and demands of the suitors of the said court of Chancery upon the offices of the said four masters it appeared, that the total deficiency of the said four masters amounted to one hundred and three thousand six hundred and thirty-five pounds, six shillings, and two pence, and there hath resulted and been produced from the said thirty thousand pounds so given by his Majesty, and the interest attending the same, the sum of thirty nine thousand eight hundred and thirty four pounds, sixteen shillings, and seven pence, consisting of twenty thousand five hundred and thirty four pounds, sixteen shillings, and seven pence, cash in the bank, and nineteen thousand three hundred pounds, land tax orders deposited also in the bank, and there hath been raised and collected by and out of the duties directed to be levied by the said former act, from the second day of August, one thousand seven hundred and twenty six, to the third day of March, one thousand seven hundred and thirty five, the sum of thirty eight thousand nine hundred and eight pounds, nineteen shillings, and nine pence, which, with the said sum of thirty nine thousand eight hundred and thirty four pounds, sixteen shillings, and seven pence, making together seventy eight thousand seven hundred and forty three pounds, sixteen shillings, and four pence, and being deducted out of the said sum of one hundred and three thousand six hundred and thirty five pounds, six shillings, and two pence, the deficiency standing out on the eighth day of March, one thousand seven hundred and thirty five, on the offices of the said four masters, was reduced to the sum of twenty four thousand eight hundred and ninety one pounds, nine shillings, and ten pence: and whereas there is due from John Bennett esquire, one the masters of the said court, to Humphry Bell the surviving assignee of the estate and effects of William Collins and Edmund Farrington under a commission of bankruptcy awarded against them, the sum of eleven thousand four hundred and eighty five pounds, four shillings, and five pence, with interest from the eleventh day of March, one thousand seven hundred and thirty four, and that the said John Bennett hath no estate or effects left to satisfy the said debt or any part thereof: and whereas it is computed that the duties granted by the former act will not be sufficient to raise the said sum of twenty four thousand eight hundred and ninety one pounds, nine shillings, and ten pence, so standing out on the eighth day of March, one thousand seven hundred

Total sum
of the deficiency
on adjutting
the claims of
suitors.

Sum raised by
the said duty
to supply the
deficiency.

Deficiency of
John Bennett
esquire.

and thirty five, and also the said sum of eleven thousand four hundred and eighty five pounds, four shillings, and five pence, so due from the said John Bennett to the estate of the said bankrupts, unless the said duties be further continued, and the time for raising the same be enlarged; and in regard the assignees and creditors of the said bankrupts were not acquainted with the insolvency of the said John Bennett, so may reasonably and within the design and meaning of the former act be intitled to such and the like relief, as was given to and provided for the other suitors of the court of chancery, by and under the same act; wherefore we your Majesty's most dutiful and loyal subjects the commons of Great Britain in parliament assembled, being desirous to provide for the relief of the creditors of the said bankrupts claiming under the said commission, do give and grant unto your Majesty for that purpose the sum of eleven thousand four hundred and eighty five pounds, four shillings, and five pence, to be raised by continuing the duties herein before mentioned for a further term, and therefore do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said duties granted by the said former act, shall, by virtue of this act, be continued, and be payable and paid upon the several writs and law proceedings in the said former act mentioned, for the further term of four years, to be computed from the second day of *August*, which shall be in the year of our Lord one thousand seven hundred and forty two; and that the said former act, and all powers, provisions, penalties, articles, and clauses therein contained, for and concerning the said duties, shall continue, and be in full force for the further term of four years, to commence and be computed as aforesaid, and shall be applied, practised, and executed, for raising, levying, collecting, paying, and applying the same, as fully to all intents and purposes as if all and every the clauses, powers, matters and things in the said former act contained had been or were in this act repeated, and again particularly enacted.

The duties granted by the former act further continued for 4 years, after 2 Aug. 1742. Reversed and made perpetual 23 Geo. 2. c. 25.

11, 48 s. 48. 5d. to be paid out of the bank, by direction of the court of Chancery, on the deficiency of John Bennett.

II. And it is hereby further enacted, That out of the before-mentioned sum of thirty eight thousand nine hundred and eight pounds, nineteen shillings, and nine pence, which has arisen and been collected by and out of the duties directed to be levied by the said former act, from the second day of *August*, one thousand seven hundred and twenty six, to the third day of *March*, one thousand seven hundred and thirty five, as aforesaid, there shall be placed to the credit of the account, *Ex parte Meyer*, in the books of the accountant general of the court of *chancery*, and of the bank, the sum of eleven thousand four hundred eighty five pounds, four shillings, and five pence, and that the same shall be issued and paid out of the general and common cash of the bank, when and as the court of *Chancery* shall direct, in satisfaction of the said debt due from the said *John Bennett* to the assignee of the said bankrupts estate.

III. Pro-

III. Provided always, and it is hereby declared and enacted, That when and as soon as the deficiency of the suitors money directed and appointed to be answered and paid by the former and this present act, and all the money to be borrowed on the credit of the same, if necessary, shall have been fully paid and satisfied, then and from thenceforth all the surplus monies, which shall have been raised out of the said duties given, granted, and continued by the said former and this present act, over and beyond what shall be sufficient for answering such deficiency, and money lent, shall be reserved for the benefit of the publick, and shall not be applied to any other use or uses, than such as shall be hereafter directed by parliament.

Surplus monies reserved to the disposition of parliament.

C A P. XXXIII.

An act to render the law more effectual for preventing the importation of fresh fish taken by foreigners, and to explain so much of an act made in the thirteenth and fourteenth year of the reign of King Charles the Second, as relates to ships exporting fish to the ports of the Mediterranean Sea, and for the better preservation of the fry of lobsters on the coasts of Scotland.

WHEREAS by an act made in the first year of the reign of **Preamble, re-**
his late majesty King George the First, intituled, An act for **citing the act**
the better preventing fresh fish taken by foreigners being im- **1 Geo. 1. c. 18.**
ported into this kingdom, and for the preservation of the fry
of fish, and for the giving leave to import lobsters and turbot
in foreign bottoms, and for the better preservation of salmon
within several rivers in that part of this kingdom called England,
it is (amongst other things) enacted, That from and after the twenty
ninth day of September, one thousand seven hundred and fifteen, no
berring, cod, pilchards, salmon, or ling, fresh or salted, dried or
bloated, nor any grill, mackrel, whiting, haddock, sprats, coal fish,
gull fish, congers, or any sort of flat fish, nor any other sort of fresh
fish whatsoever, shall be imported into, sold, or exposed to sale, in
that part of this kingdom called England, which shall be taken by,
bought of, or received from, any foreigner or foreigners, or out of
any stranger or strangers bottom (except protestant strangers inhabit-
ing within this kingdom) nor shall any person or persons give or ex-
change any goods, or other things, in exchange for any sort of fish so
taken as aforesaid: and it is thereby further enacted, That every
master or commander for the time being of any smack, hoy, yager,
boat, or other vessel, in which any fish shall be imported, or brought
to shore contrary to the true intent and meaning of the said act, and
being thereof lawfully convicted in the manner thereby directed, shall
forfeit for every such offence the sum therein mentioned, to be levied
and disposed of in such manner as by the said act is directed, or in
default of payment of the said sum or sufficient distress, shall be com-
mitted to the common gaol as in the said act is directed: and where-
as it is by the said act provided, That no person shall suffer any
punishment for any offence committed against the said act, unless the

prosecution for the same be commenced within one month after such offence committed: and whereas the penalties inflicted by the recited clause of the said act herein before recited are not sufficient to deter persons from offending against the same: and whereas by reason of the short time limited for prosecution of offences committed against the said act many offenders against the same escape punishment; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of June, which shall be in the year of our Lord one thousand seven hundred and thirty six; every person offending against the clause of the said act herein before recited shall forfeit and pay the sum of one hundred pounds, to be recovered by any informer in any of the courts in *Westminster Hall*, and to be distributed and disposed of in the manner following, that is to say, one moiety thereof to the informer, and the other moiety thereof to the poor of the parish where such offence shall be committed; and the master or commander of every smack, hoy, yager, boat, ship, or other vessel, in which any fish shall be imported, or brought to shore, contrary to the true intent and meaning of the said act herein before recited, and of this present act, shall forfeit and pay the sum of fifty pounds, to be recovered by any informer, and to be disposed of in like manner as before recited.

After 24 June, 1736, every person importing fish contrary to the act 1 Geo. 2. to forfeit 100 l.

and the master of the vessel 50 l.

Prosecution to be commenced in 12 months after the fact.

II. Provided always, That no person shall incur any penalty or forfeiture for any offence committed against this act, unless the prosecution for the same be commenced within twelve months after such offence committed.

III. And whereas by an act of parliament made in the thirteenth and fourteenth year of the reign of King Charles the Second, intituled, An act for preventing frauds, and regulating abuses, in his Majesty's customs, it is for the better increase of good and serviceable shippings, and securing the publick trade and commerce enacted, That all and every merchant or other person, that should after the twenty ninth day of September, one thousand six hundred and sixty two, export any goods or merchandizes from any port of this kingdom capable of a ship or vessel of two hundred tons upon an ordinary full sea to any port or place of the Mediterranean Sea beyond the port of Malaga, or import any goods or merchandize from the ports or places aforesaid to any port of this kingdom, in any ship or vessel that should not have two decks and should carry less than sixteen pieces of ordnance mounted, together with two men for each gun and other ammunition proportionably, should pay a duty of one per centum for all and every the wares so exported or imported, over and above the rates and duties of subsidy of tonnage and poundage otherwise due and payable for the same; and in the same act it is provided, That it should and might be lawful to export from any of his said Majesty's dominions: fish into any of the ports of the Mediterranean Sea aforesaid in any English ship or vessel whatsoever, provided one moiety of her full loading should be fish only, and in such case to import any wares

or

or merchandizes in the same ship for that voyage, without paying any other rates or duties for the same than were then before accustomed: and whereas some doubts and disputes have arisen, whether the exemption granted by the said act in favour of any English ship or vessel, whereof one moiety of her full loading should be fish only, should be construed to extend to the benefit and advantage of the owner or owners of such ship or vessel, in case one moiety of her full loading should consist of foreign fish: to prevent therefore the said doubts and disputes for the future, and for the greater encouragement of the British fisheries, be it further enacted by the authority aforesaid, That no British ship or vessel trading to any port or place of the Mediterranean Sea beyond the port of Malaga in manner aforesaid, shall be intitled to the benefit and advantage of the exemption granted to such ship or vessel in the said act, for or by reason that one moiety of the full loading of such ship or vessel shall or may consist of fish, unless such moiety of the full loading of such ship or vessel do consist of fish taken and cured by his Majesty's subjects only.

A clause in the act 13 & 14 Car. 2. c. 11. for preventing frauds in the customs, explained.

IV. And whereas the destroying the fry or spawn of any fish is highly prejudicial, especially such fish as do not wander, but keep about the coasts: and whereas the principal time for the spawning of lobsters is from the beginning of June to the first of September, in which three months the lobsters crawl close to the shore to leave their spawn in the chinks of the rocks, and as much under the influence of the sun as possible; be it therefore enacted by the authority aforesaid, That from and after the first day of June, one thousand seven hundred and thirty six, no fisherman or other person or persons whatsoever shall with trunks, hoop nets, or any other way, take, kill, or destroy, any lobsters on the sea coast of that part of Great Britain called Scotland, from the first day of June to the first day of September yearly, under the penalties of five pounds Sterling for each offence, to be recovered by any person who shall inform and sue for the same upon a summary complaint before any two or more of his Majesty's justices of the peace of the shire on the coast where any such offence shall happen to be committed.

§ 1. penalty on taking or killing lobsters on the coast of Scotland between 1 June, and 1 Sept. yearly.

C A P. XXXIV.

An act for enabling his Majesty to borrow any sum or sums of money not exceeding six hundred thousand pounds, to be charged upon the surplusses, excesses, or overplus monies, commonly called The Sinking Fund, redeemable by parliament; and for the further disposition of the said fund, by paying off one million of South Sea annuities; and for appropriating the supplies granted in this session of parliament.

Most gracious Sovereign,

WE your Majesty's most dutiful and loyal subjects, the Preamble. commons of Great Britain in parliament assembled, being desirous

E 2

desirous to raise the necessary supplies which we have cheerfully granted to your Majesty, in the easiest manner we are able for the benefit of your subjects, have freely and voluntarily given and granted, and by this act do give and grant unto your Majesty the sum of six hundred thousand pounds, to be raised in such manner and form as is herein after directed; and to that end do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by authority of the same, That the annuities which by this act shall be granted and made payable in respect of the said principal sum of six hundred thousand pounds until redemption thereof by parliament in manner herein after mentioned, shall from and after the feast day of Saint *John Baptist*, one thousand seven hundred and thirty six, be charged and chargeable upon and payable out of the monies, which from and after the said feast day shall from time to time arise and be remaining in the receipt of his Majesty's exchequer of or for the surplusses, excesses, or overplus monies of the fund commonly called *The sinking fund*, and the said surplusses, excesses, or overplus monies, are hereby appropriated for that purpose accordingly.

600,000 l.
granted to his
Majesty out of
the Sinking
Fund.

Annuities at
3 per cent.

II. And for or towards raising the said sum or sums of money not exceeding in the whole the said sum of six hundred thousand pounds; it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to contribute, advance, and pay into the receipt of his Majesty's exchequer for his Majesty's use, at such time or times as shall be appointed by the commissioners of the treasury or any three or more of them now being, or by the high treasurer or by any three or more of the commissioners of the treasury for the time being, any sum or sums of money not exceeding the said sum of six hundred thousand pounds, for the absolute purchase of any certain annuity or annuities, to commence from the said feast day of Saint *John Baptist*, one thousand seven hundred and thirty six, and to be paid and payable to such contributor or contributors, or such as he, she or they shall nominate, his, her or their executors, administrators, successors and assigns respectively, until the redemption thereof by parliament in manner herein after contained in that behalf; which certain annuities shall be computed at the rate of three pounds *per annum* for every one hundred pounds, and proportionably for any greater sum so to be advanced and paid, and the purchase money so paid for every such annuity at the rate aforesaid, is hereby appointed to be paid into the said receipt of exchequer at the time or times to be appointed as aforesaid; all which annuities so to be purchased shall be paid and payable at two of the most usual feasts or days of payment in the year (that is to say) The feast of the birth of our Lord Christ, and Saint *John Baptist*, by even and equal proportions; the first payment thereof to be due and payable

payable at
Christmas and
Midsummer.

payable at the feaſt of the birth of our Lord Chriſt which ſhall be in the year of our Lord one thouſand ſeven hundred and thirty fix.

III. And it is hereby enacted, That in the offices of the auditor of the receipt and clerk of the pells, there ſhall be provided and kept a book or books, in which there ſhall be fairly entred the names of all perſons who ſhall be contributors for ſuch certain annuities as aforeſaid, and of all perſons by whoſe hands the ſaid contributors ſhall pay in any of the ſaid ſums upon this act, and alſo the ſums paid for ſuch annuities; to which book it ſhall be lawful for the ſaid reſpective contributors, their executors, adminiſtrators and aſſigns, from time to time and at all reaſonable times to have reſort, and to inſpect the ſame without fee or reward.

IV. And be it further enacted by the authority aforeſaid, That all and every contributor and contributors upon this act, ſhall be deemed duly paying the contribution or purchaſe money at the rate aforeſaid at the time or times in this act limited in that behalf for any ſuch annuity or annuities as aforeſaid, or ſuch as he, ſhe or they ſhall appoint, his, her or their reſpective executors, adminiſtrators, ſucceſſors and aſſigns, ſhall have, receive and enjoy, and be intitled by virtue of this act to have, receive and enjoy the reſpective annuity and annuities ſo to be purchaſed out of the monies by this act appropriated as aforeſaid, until the redemption thereof by parliament according to the proviſo herein after contained in that behalf; and that all and every ſuch purchaſers, their executors, adminiſtrators, ſucceſſors and aſſigns, reſpectively, ſhall have good, ſure, abſolute and indeſeizable eſtates and intereſts in the ſeveral annuities ſo by them reſpectively to be purchaſed according to the tenor and true meaning of this act; and that all ſuch eſtates and intereſts of and in the ſaid annuities, and every of them, ſhall be and be adjudged, taken and accepted in conſtruction of law, and in all courts of law and equity whatſoever, to be a perſonal and not a real eſtate, and ſhall go to the executors or adminiſtrators of the perſon or perſons dying poſſeſſed thereof, intereſted therein, or intitled thereunto, and not to the heirs of ſuch perſon or perſons; any law, cuſtom or uſage to the contrary notwithstanding; and that all the ſaid annuities to be purchaſed on this act as aforeſaid, and every of them, ſhall be free from all taxes, charges and impoſitions whatſoever.

V. And be it further enacted by the authority aforeſaid, That every contributor upon this act for any ſuch annuity or annuities as aforeſaid, his, her or their executors, adminiſtrators, ſucceſſors or aſſigns, upon payment of the conſideration or purchaſe money for the ſame at the rate aforeſaid into the ſaid receipt of exchequer at the time or times in this act limited in that behalf, ſhall immediately have one or more tally or tallies levied, importing the receipt of the purchaſe money as ſhall be ſo paid for any ſuch annuity or annuities at the rate aforeſaid; and every ſuch contributor, his, her or their executors, adminiſtrators,

successors or assigns respectively, shall have an order for paying the said annuity or annuities, until redemption thereof by parliament according to the proviso herein after contained in that behalf; which order shall be signed by the treasurer and the under-treasurer of the exchequer, or any three or more of the commissioners of the treasury for the time being; and after signing thereof the same shall be firm, good, valid and effectual in law, according to the purport and true meaning thereof and of this act; and shall not be determinable by or upon the deaths or removal of any treasurer or under-treasurer of the exchequer, or any commissioner or commissioners of the treasury, or by or upon the determination of the power, office or offices of them or any of them; nor shall any lord high treasurer of Great Britain, treasurer of the exchequer, or any commissioners of the treasury now or for the time being, have power to revoke, countermand, determine, or make void such orders so signed as aforesaid or any of them.

VI. And be it further enacted, That the proprietors of the Orders assign- orders to be made forth for the said annuities in pursuance of able. this act shall or may from time to time by proper words of assignment to be indorsed on his, her or their order, assign or transfer his, her or their right, title, interest and benefit of such order or orders, to any other person or persons; which being notified in the office of the auditor of the receipt, the officers there shall cause an entry or memorial thereof to be made in the book of registry for such orders without fee or charge; and after such entry made such assignment shall intitle such assignee, his, her or their executors, administrators, successors and assigns, to the benefit thereof and payment thereon; and such assignee may in like manner assign again, and so *toties quoties*; and afterwards it shall not be in the power of such person or persons who shall make such assignments, to make void, release, or discharge the same, or any monies thereby due, or any part thereof.

New orders to be made forth in lieu of such as are defaced, &c.

VII. And whereas it may so happen, that in process of time several of the said standing orders may become defaced, obliterated, or incumbered with many assignments indorsed thereon, or by reason thereof or some other defects therein it may become necessary that the said defaced, obliterated, incumbered, or otherwise defective orders, should be taken in and cancelled, and new orders made forth and delivered to the owners and proprietors of the orders so to be cancelled in lieu thereof; be it therefore enacted by the authority aforesaid, That in all or any of the said cases any three or more of the said commissioners of the treasury now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, may, if he or they shall so think fit, from time to time cause to be made forth new standing orders for and in lieu of such defaced, obliterated, incumbered or otherwise defective orders, so as such defaced, obliterated, incumbered or otherwise defective order or orders be at the same time delivered up and cancelled, and the new order or orders to be made

made out in lieu thereof be made payable to the person or persons, who shall appear to be the proprietor or proprietors of the said order or orders so delivered up and cancelled at the time of such delivery up as aforesaid; and the auditor of the said receipt aforesaid shall always take care, that such entries or memorandums be made upon the said new orders, as may denote their being made out in lieu of such defaced, obliterated, incumbered or otherwise defective orders cancelled, as may secure the publick against any double payments for or by reason of the making out or issuing such new orders in manner aforesaid.

VIII. And, for the preventing of all frauds and abuses in or about the said standing orders, or any assignments thereof, or the receiving the annuities due or to grow due thereon; be it enacted by the authority aforesaid, That if any person or persons whatsoever shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly or wilfully act and assist in the forging or counterfeiting any order or orders made forth or to be made forth in pursuance of this act, or any assignment or assignments of such order or orders, or of the annuities payable thereon, or of any receipt or discharge to the exchequer for the annuities due or to grow due on any such order or orders, or of any letter of attorney or other authority or instrument to transfer, assign, alien or convey, any such order or orders, or to receive the annuities due or to grow due thereon, or any part thereof, or shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly or wilfully act or assist in the forging or counterfeiting any the name or names of any of the proprietors of any such order or orders in or to any such pretended assignment, receipt, letter of attorney, instrument or authority, or shall knowingly or fraudulently demand or endeavour to have or receive any such annuity or annuities, or any part thereof by virtue of any such forged or counterfeited receipt, letter of attorney, instrument or authority, or shall falsely and deceitfully personate any true and real proprietor or proprietors of any of the said order or orders, and thereby assigning, or endeavouring to assign, any of the said order or orders, or receiving, or endeavouring to receive, the money of such true and lawful proprietor, as if such offender were the true and lawful owner thereof; then, and in every such case, all and every person and persons, being thereof lawfully convicted in due form of law, shall be adjudged guilty of felony, and shall suffer as in cases of felony without benefit of clergy.

Forging or
counterfeiting
orders, felony
without bene-
fit of clergy.

IX. And be it further enacted, for the better encouraging persons to advance the said sum of six hundred thousand pounds upon the credit of this act, That all receipts and issues, and all other things directed by this act to be performed in the exchequer, shall be done and performed by the officers there without demanding or receiving, directly or indirectly, any fee, reward or gratuity for the same; and in case the officers of the exchequer shall take or demand any such fee or reward, or shall not keep books or registers, and make entries, and do and

Penalty on of-
ficers de-
manding fees
or gratuities.

perform all other things which by this act they are required to perform, every such officer shall forfeit his office, and be for the future incapable of any office or place of trust whatsoever, and shall answer and pay treble damages and costs of suit to any contributor, or person claiming under him, that will sue for the same, to be recovered by action of debt, bill, plaint or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege or wager of law, injunction, or order of restraint, or more than one imparlance shall be granted or allowed; and in the said action the plaintiff upon recovery shall have full costs of suit, one third of which sum so to be recovered shall be paid into the receipt of the exchequer for the benefit of his Majesty, his heirs and successors, and the other two thirds shall be to and for the use of the prosecutor.

Treasury to pay the officers and clerks out of the said fund.

X. Provided always, and it is hereby enacted by the authority aforesaid, That out of the monies from time to time arising at the said receipt of exchequer, of or for the said surplusses, excesses, or overplus monies of the fund commonly called the *Sinking Fund*, hereby appropriated as aforesaid, it shall and may be lawful to and for the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, to reward the officers and clerks in the exchequer, and others that shall or may be any way employed in the execution of this act in relation to the said annuities to be payable thereupon, for their labour, pains and service therein respectively, and to discharge and satisfy such incident charges as shall necessarily attend the execution of the same, in such manner as the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, shall from time to time think fit and reasonable in that behalf; any thing in this act contained to the contrary notwithstanding.

When the said annuities shall cease,

XI. Provided also, and it is hereby enacted by the authority aforesaid, That at any time upon one year's notice to be printed in the *London Gazette*, and affixed upon the *Royal Exchange* in *London*, by authority of parliament, at any of the half-yearly feast days for payment of the said annuities, and upon repayment by parliament of the principal sums for which the said annuities shall be payable, to such respective persons or corporations as shall be intitled to the same annuities, and also upon full payment of all arrearages of the same annuities, then, and not till then, the said annuities shall cease and determine, and be understood to be redeemed; and from and after such redemption, the monies arising by the said surplusses, excesses, or overplus monies of the fund commonly called the *Sinking Fund*, shall not be issued or applied to any use or purpose but as shall be directed by future act or acts of parliament; any thing in this or any former act or acts of parliament to the contrary notwithstanding: and that any vote or resolution of the house of commons, signified by the speaker in writing to be inserted in the *London Gazette*, and affixed on the *Royal Exchange* in *London*,

London, as aforesaid; shall be deemed and adjudged to be sufficient notice within the words and meaning of this act.

XII. And be it further enacted by the authority aforesaid, That by or out of such monies as are or shall be in the receipt of the exchequer of the surplusses; excesses, or overplus monies of the fund commonly called *The sinking Fund*, arisen or to arise at or from the feast day of the birth of our Lord Christ, which shall be in the year of our Lord one thousand seven hundred and thirty six (after payment of, or reserving sufficient to pay, such monies as have been or shall be directed by this or any former act or acts of parliament to be paid out of the same) there shall be issued and applied to the governor, and company of merchants of *Great Britain*, trading to the *South Seas*, and other parts of *America*, and for encouraging the fishery, at the said feast day, and afterwards quarterly from time to time as the same shall arise, such sum or sums of money as shall on such quarter day or days be in the said receipt of exchequer, for or towards redeeming part of the annuities attending on the capital stock of annuities, commonly called *New South Sea Annuities*, remaining due to the said company, until the said payments shall in the whole amount to the sum of one million sterling; and that as the said payments of principal money shall be from time to time made, a proportionable part of their said capital stock of annuities, and of the annuities attending thereon, and of the allowance for charges of management, shall also from time to time cease and determine for the benefit of the publick.

XIII. And be it enacted by the authority aforesaid, That the said *South Sea* company shall forthwith upon the receipt of the said sum of one million, or as soon after as conveniently may be, divide out and distribute as near as conveniently may be done amongst all the several proprietors of their said capital stock of annuities, towards sinking and discharging so much of their shares or interests in the said capital stock of annuities, by even and equal dividends amongst them all in proportion to their respective shares or interests therein.

XIV. And to the end, intent and purpose, That all trust estates and interests in the said capital stock of annuities of the *South Sea* company may be preserved and improved for the benefit of the persons concerned therein, with the least expence and inconvenience to them; be it enacted by the authority aforesaid, That in all and every cases, where in pursuance of this act any payments or dividends shall be made of the capital of any such annuity stock, as shall be vested in any person or persons, in trust for other persons, who have or claim distinct or different interests therein, or for any other ends or purposes for which the capital sum or annuity ought to be preserved intire, such payments or dividends of the capital stock of annuities shall not be paid or applied as dividends of profit, annuity or interest, but shall remain in the hands of such trustees respectively till otherwise disposed of at interest; and for that purpose it shall and may be lawful to and for the trustee or trustees, who shall receive the same, at his or their discretion to lay out or dispose of the same, or any

One million
of New South
Sea annuities
to be paid off.

The monies
to be equally
distributed
amongst the
proprietors.

Dividends of
trust estates
not to be paid
as dividends
of profit.

any part thereof, in the purchase of so much other capital stock of the same kind, as at the current market price of such annuity stock, the monies received for such dividends shall, as near as conveniently may be, extend to purchase; which new purchased stock of annuities shall be transferred to such trustees or trustees, and a receipt or receipts shall be given and signed by the person or persons transferring the same, for the monies paid for the same; and in case such trustees respectively, by writing indorsed on or annexed to such receipts, and signed and acknowledged before one of the masters of the high court of Chancery, shall declare, that the money in the said receipts were the produce of the said dividends of the said capital stock of annuities, which signing or acknowledgment such masters in chancery are hereby required to accept or take, and each and every such master, before whom the same shall be done, shall at the same time certify the same, by subscribing his name thereto, for doing whereof such master shall be paid for each certificate one shilling, and no more; then and in every such case, the annuity stock mentioned in such receipts to be transferred shall respectively go, and be deemed subject and liable, to the same trusts, for the benefit of the same persons, and for the same uses, ends, intents and purposes, as the rest of the trust annuity stock remaining in such trustees respectively will or ought to be subject and liable to; and such trustees respectively shall from thenceforth be indemnified from any loss, charges or damages, on account of their so doing, at the expences of the said trust estates.

Trust monies
may be laid
out in any
other pur-
chases.

XV. Provided always, That nothing in this act contained shall extend, or be construed to extend, to restrain or prohibit any such trustees from laying out or disposing of any of the said trust monies in any other purchases, or any other securities, whether publick or private, if they shall so think fit, in the same manner, and with the same freedom and security to themselves, as they might have done if this act had not been made.

XVI. *And whereas it may so happen, that the said sum of six hundred thousand pounds, or some part thereof, may not be contributed and paid into the receipt of his Majesty's exchequer for the purchase of the said annuities, on or before the feast day of saint Michael the archangel, one thousand seven hundred and thirty six; and it may likewise happen, that on the said feast day of the birth of our Lord Christ, one thousand seven hundred and thirty six, there may not be sufficient money in the exchequer arisen from the said surplusses, excesses or overplus monies of the fund, commonly called The sinking Fund, to satisfy and pay the said intire sum of one million, and the said South Sea company may desire then to receive the whole sum in one intire payment, in order to make one distribution of the whole amongst all the proprietors of their said capital stock of annuities at one time; be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the com-*
missioners

Clause of loan
at 3l. per cent.

commissioners of the treasury for the time being, by warrant under their hands, either to issue and apply such sum or sums of money as shall then remain in the receipt of the exchequer of the said surplusses, excesses or overplus monies, commonly called *The sinking Fund*, or to permit and suffer any person or persons, body or bodies politick or corporate, to advance and lend to his Majesty at the said receipt of the exchequer, at any time after the said feast day of saint *Michael* the archangel, one thousand seven hundred and thirty six, the said sum of six hundred thousand pounds, or so much as shall be wanting of the said contributions to compleat the said sum of six hundred thousand pound; as aforesaid; and upon application made by the said *South Sea* company to the said commissioners of the treasury, or the lord high treasurer for the time being, and giving them notice of such their desire to have and receive the said sum of one million in one intire payment, ten days at least before the said feast day of the birth of our Lord Christ one thousand seven hundred and thirty six, it shall and may be lawful to and for the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, by like warrant under their hands, to permit and suffer any person or persons, body or bodies politick or corporate, to advance and lend to his Majesty, at the said receipt of the exchequer, such further sum and sums of money as together with the monies then remaining in the said exchequer, of the said surplusses, excesses or overplus monies, shall be wanting to compleat the said sum of one million; which said several and respective sum and sums of money, so to be advanced or lent in pursuance of this act for the purposes aforesaid, shall be, and are hereby charged and chargeable upon the growing produce of the said surplusses, excesses or overplus monies of the fund commonly called *The sinking Fund*, and shall be repaid out of the same, as they shall quarterly afterwards arise, together with an interest for the forbearance thereof in the mean time, not exceeding the rate of three pounds *per centum per annum*; any thing herein before contained to the contrary notwithstanding.

XVII. Provided always, and be it enacted by the authority aforesaid, That all the monies coming into the exchequer, either by loans or exchequer bills, upon one act of this session of parliament, intituled, *An act for continuing the duties upon malt, mum, cyder, and perry, in that part of Great Britain called England, and for granting to his Majesty certain duties upon malt, mum, cyder, and perry, in that part of Great Britain called Scotland, for the service of the year one thousand seven hundred and thirty six*, and so much money (if any such be) of the duties thereby granted and continued, as shall arise or remain after all the loans or exchequer bills made, or to be made on the same act, and all the interest, premium, or rate and charges thereon, and the charges thereby allowable for raising the said duties, shall be satisfied, or money sufficient shall be reserved in the exchequer to discharge

Application of the money granted this session.

charge the same; and all the monies coming into the exchequer, either by loans or exchequer bills, upon one other act of this session of parliament, intituled, *An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and thirty six*, and so much money (if any such be) of the tax thereby granted, as shall arise or remain, after all the loans or exchequer bills made or to be made on the same act, and all the interest, premium, or rate and charges thereon, and the charges thereby allowable for raising the said land tax, shall be satisfied, or money sufficient shall be reserved in the exchequer to discharge the same; and the sum of six hundred thousand pounds by this act granted out of the surplusses, excesses, or overplus monies, commonly called *The sinking Fund*, shall be appropriated and applied, and are hereby appropriated for and towards the several uses, intents, and purposes herein expressed, subject nevertheless to such restrictions as are herein after prescribed; that is to say,

1,027,436l. 4s.
10d. for naval
services.

XVIII. It is hereby enacted and declared, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding one million twenty seven thousand four hundred thirty six pounds, four shillings and ten pence, for or towards the naval services herein after more particularly expressed; that is to say, for or towards defraying the charge of the ordinary of his Majesty's navy, and for half-pay to sea officers, and for or towards victuals, wages, wear and tear of the navy, and the victualling thereof, performed and to be performed, and for or towards sea services in the office of ordnance, performed and to be performed, and for or towards the buildings, rebuildings, and repairs of his Majesty's ships, and for or towards other services of the navy, performed and to be performed.

10,000l. to
Greenwich
Hospital.

XIX. And it is hereby enacted, That out of all or any the aids or supplies as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding ten thousand pounds, upon account, for or towards the support of the royal hospital at *Greenwich*, for the better maintenance of the seamen of the said hospital, worn out and become decrepit in the service of their country.

24,250l. 17s.
5d. for the
office of
ordnance.

XX. And it is hereby also enacted, That out of all or any the aids or supplies as aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding eighty four thousand three hundred and fifty pounds, seventeen shillings and five pence, for or towards defraying the charge of the office of ordnance for land service performed and to be performed, and for defraying the extraordinary expence of the office of ordnance for land service not provided for by parliament,

1,094,020l. 2s.
10d. farthing,
for the land
forces, viz.

XXI. And it is hereby likewise enacted, That out of all or any the aids or supplies provided as aforesaid, there shall or may be issued and applied any sum or sums of money, not exceeding one million four thousand twenty pounds, two shillings, and ten pence farthing, for or towards maintaining his Majesty's
land

land forces, and other services herein after more particularly expressed; that is to say, any sum or sums of money not exceeding ^{649,270l. 2s.} six hundred forty nine thousand two hundred seventy pounds, for guards and two shillings, for defraying the charge of seventeen thousand ^{and garrisons.} seven hundred and four men, including commission and non-commission officers, and invalids, for guards, garrisons and six independent companies for the service of the highlands, and other his Majesty's land forces in *Great Britain, Guernsey and Jersey*, and other services relating to the forces for the year one thousand seven hundred and thirty six; and any sum or sums of money, not exceeding two hundred and sixteen thousand ^{216,228l. 10s. 11d. for the plantations.} two hundred and twenty eight pounds, ten shillings, and eleven pence, for maintaining his Majesty's forces and garrisons in the plantations, *Minorca and Gibraltar*, and for provision for the garrisons at *Annapolis Royal, Canso, Placentia and Gibraltar*, for the year one thousand seven hundred and thirty six; and any sum or sums of money not exceeding twenty four thousand ^{24,518l. 10s. for Chelsea hospital.} five hundred and eighteen pounds, ten shillings, upon account, for out-pensioners of *Chelsea* hospital, for the year one thousand seven hundred and thirty six; and any sum or sums of money ^{7,441l. 1s. 3rd. farthing, for extraordinary expences.} not exceeding seven thousand one hundred forty four pounds, one shilling, and eleven pence farthing, for defraying several extraordinary expences and services incurred and not provided for by parliament; and any sum or sums of money not exceeding ^{46,780l. 18s. for half-pay.} forty six thousand seven hundred and eighty pounds, eighteen shillings, upon account of half-pay to the reduced officers of his Majesty's land forces and marines, for the year one thousand seven hundred and thirty six, subject nevertheless to such rules to be observed in the application of the said half-pay, as are herein after prescribed concerning the same; and any sum or sums of money not exceeding three thousand eight hundred ^{3,821l. for half-pay officers widows.} and twenty eight pounds, for paying of pensions to widows of such reduced officers of his Majesty's land forces and marines, as died upon the establishment of half-pay in *Great Britain*, and who were married to them before the twenty fifth day of *December*, one thousand seven hundred and sixteen, for the year one thousand seven hundred and thirty six; which said sum of three thousand eight hundred and twenty eight pounds, shall be issued to such person or persons, as his Majesty shall, by warrant or warrants under his royal sign manual direct or appoint to receive the same, to be by him or them paid over to such widows of half-pay officers, or their assigns, according to such establishments, lists, or other directions, and with and subject to such conditions, qualifications, deductions, or other allowances for the same, as his Majesty, by such or the like warrant or warrants, shall be graciously pleased to direct or appoint; and any sum or sums of money not exceeding fifty six thousand ^{56,250l. to the king of Denmark.} two hundred and fifty pounds, on account of the subsidy payable to the king of *Denmark*, pursuant to the treaty bearing date the nineteenth day of *September*, one thousand seven hundred

dred and thirty four, for the year one thousand seven hundred and thirty six.

21,06l. 9s. 8d.
for deficiencies
of the
grants 1735.

XXII. And it is hereby also enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding twenty one thousand ninety six pounds, nine shillings, and eight pence, towards making good the deficiency of the grants for the year one thousand seven hundred and thirty five.

22,944l. 14s.
for deficiency
of the general
fund.

XXIII. And it is hereby also enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding twenty two thousand nine hundred forty four pounds, fourteen shillings, for making good the deficiency of the fund commonly called *The general Fund*, for raising seven hundred twenty four thousand eight hundred forty nine pounds, six shillings, and ten pence, and one fifth part of a penny, for the year ending at *Michaelmas*, one thousand seven hundred and thirty five; and

24,570l. 2s. 7d.
to the sinking
fund.

any sum or sums of money not exceeding twenty four thousand five hundred and seventy pounds, two shillings, and seven pence, to make good to the sinking fund the like sum paid out of the same, for interest on the million lent on the credit of the salt duties, for the supply of the year one thousand seven hundred and thirty four, pursuant to a clause in an act of parliament passed in the seventh year of his Majesty's reign; and any sum or sums of money not exceeding ten thousand pounds, towards the maintenance of the *British* forts and settlements belonging to the royal *African* company of *England*, on the coast of *Africa*; and there shall and may be issued to the trustees for establishing the colony of *Georgia* in *America*, any sum or sums of money not exceeding ten thousand pounds, by them to be applied towards settling and securing the said colony.

10,000l. to the
African com-
pany.
10,000l. to the
colony of
Georgia.

The money to
be issued only
as herein di-
rected.

XXIV. And be it enacted, That the said aids or supplies provided, as aforesaid, shall not be issued or applied to any use, intent, or purpose whatsoever, other than the uses and purposes before-mentioned, or for the several deficiencies, or other payments directed to be satisfied thereout, by any particular clause or clauses for that purpose contained in any other act or acts of this present session of parliament.

Rules to be
observed in
the applica-
tion of half-
pay.

XXV. And as to the said sum of forty six thousand seven hundred and eighty pounds, eighteen shillings, by this act appropriated on account of half-pay, as aforesaid; it is hereby enacted and declared by the authority aforesaid, That the rules herein after prescribed shall be duly observed in the application thereof; (that is to say) That no person shall have or receive any part of the same, who was a minor, and under the age of sixteen years, at the time when the regiment, troop, or company, in which he served, was reduced; that no person shall have or receive any part of the same, except such persons who did actual service in some regiment, troop, or company; that no person having any other place or employment of profit, civil or military, under his Majesty, shall have or receive any part of the

the said half-pay; that no chaplain of any garrison or regiment, who has any ecclesiastical benefice in *Great Britain or Ireland*, shall have or receive any of the said half-pay; that no person shall have or receive any part of the same, who hath resigned his commission, and hath had no commission since; that no part of the same shall be allowed to any person by virtue of any warrant or appointment, except to such persons, who would have been otherwise intitled to the same as reduced officers; and that no part of the same shall be allowed to any of the officers of the five regiments of dragoons, and eight regiments of foot, lately disbanded in *Ireland*, except to such as were lately taken off the establishment of half-pay in *Great Britain*.

XXVI. *And whereas by an act of parliament made in the eighth year of his Majesty's reign, intituled, An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and thirty five, several supplies which had been granted to his Majesty, as is therein mentioned, were appropriated to several uses and purposes therein expressed, amongst which, any sum or sums of money not exceeding forty nine thousand eight hundred thirty four pounds, thirteen shillings, and four pence, was appropriated to be paid to the reduced officers of his Majesty's land forces and marines, subject nevertheless to such rules to be observed in the application of the said half-pay, as in and by the aforesaid act were prescribed in that behalf; now it is hereby provided, enacted, and declared by the authority aforesaid, That so much of the said sum of forty nine thousand eight hundred thirty four pounds, thirteen shillings, and four pence, as is or shall be more than sufficient to satisfy the said reduced officers, according to the said rules by the said act prescribed to be observed in the application thereof, or any part of such overplus, shall or may be disposed of to such officers who are maimed or lost their limbs in the late wars, or such others as by reason of their long service or otherwise his Majesty shall judge to be proper objects of charity, or to the widows or children of such officers, according to such warrant or warrants under his Majesty's royal sign manual, as shall be signed in that behalf; any thing in this act, or the said former act, to the contrary notwithstanding.*

Surplus money granted to reduced officers for the year 1735, how to be disposed of.

CAP. XXXV.

An act for indemnifying persons who have been guilty of offences against the laws made for securing the revenues of customs and excise, and for enforcing those laws for the future.

WHEREAS, notwithstanding the several laws already made Preamble, to prevent the unlawful importing and clandestine landing and running of prohibited and uncustomed goods, divers wicked and evil disposed persons have of late not only carried on, and do still continue, such pernicious and illegal practices, in open defiance of the laws, to the great diminution of the publick revenue, and to the manifest prejudice of the fair traders, and likewise seduced great numbers of other persons.

persons to join with them in the said wicked practices; whereby the evil is become so general, that it is necessary that some further provision should be made for effectually preventing the same; yet nevertheless as there may be some hope that many of the said persons, who have been unwarily seduced as aforesaid, may be reclaimed by grace and clemency from offending in the like manner for the future; therefore, for the quiet and ease of his Majesty's subjects, who may have been guilty of such offences, and that such of them as are not yet become incorrigible, being freed from their fears and apprehensions, may be induced to leave off their illegal practices, and to return to their lawful callings and occupations, and that such persons as shall after such an act of indulgence, and so publick a warning, presume to commit any of the said offences, may be left without excuse, and be brought to justice, and duly punished, as their crimes shall deserve, may it please your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every his Majesty's subjects of this his Majesty's realm of Great Britain, their heirs, executors, and administrators, and every of them, who before the twenty seventh day of April, in the year of our Lord one thousand seven hundred and thirty six, have incurred any penalty or forfeiture in, by, or for the clandestine running, landing, unshipping, concealing, or receiving, any prohibited goods, wares, or merchandizes, or any foreign goods liable to the payment of the duties of customs and excise, or either of them, and who are or may be subject to any information or other prosecution whatsoever for the duties of such goods, or for the penalties for the running, landing, unshipping, concealing, or receiving thereof, or for the making of any false report or entry of the loading of any ship or vessel inwards or outwards, or for making any report or entry in a wrong name or names, or for not reporting any such ship or vessel, or for breaking bulk before making such report or reports, or for altering the package of any goods on board any ship or vessel, or for landing of any goods without the presence of an officer, or for staving or otherwise destroying or spoiling any goods at or after the seizure thereof by any officer of the customs or excise, or other person duly authorized to make such seizure; and any persons who have beat, abused, obstructed, or hindered, any officer of the customs or excise, in the due execution of their duty, or who have given or offered a bribe to any officer of the customs or excise; and all persons aiding, assisting, and abetting in the committing any of the said offences; shall be and are by the authority of this present act acquitted, indemnified, released, and discharged, against the King's majesty, his heirs, and successors, and against all and every other person and persons, bodies politick and corporate, and any officer or officers of the customs or excise, and every of them, of and from all the said offences (not in this present act hereafter excepted

Persons having incurred any penalty by clandestine running of goods, &c. before 27 April, 1736,

making false entries of goods,

or abusing officers, &c. indemnified.

excepted and foreprized) and of and from all penalties, forfeitures, indictments, outlawries, convictions, and judgments, not herein after excepted, incurred, had, or given, or that may or might arise or accrue for or by reason or means of any of the said offences or other matters or things herein before-mentioned and expressed.

II. And be it further enacted, That all and every of his Majesty's subjects may by him, her, or themselves, or by his, her, or their deputy or deputies, attorney or attorneys, according to the laws of this realm, plead and insist on this act of indemnity for his, her, or their discharge, or for any thing that is by virtue of this act acquitted, released, or discharged, without any fee or payment to any person or persons for the writing or entering of such plea, or the judgments thereupon; but only sixteen pence to the clerk or officer who shall enter such plea or matter for judgment, or the party's discharge in that behalf; any law, custom, or usage, to the contrary notwithstanding.

and may plead this act for their discharge, paying only 1s. 4d. for entering the plea,

III. Provided always, and be it further enacted by the authority aforesaid, That all and every person and persons, who shall take, receive, or be intitled to any benefit or advantage by virtue of this present act of indemnity, either by pleading or insisting on the same in any court of justice or otherwise, and who hath, or before he, she, or they shall claim the benefit of this present act, shall have brought, commenced, or prosecuted any action, plaint, or information, indictment, or other prosecution whatsoever, against any officer of his Majesty's customs or excise, or against any person or persons who shall or may have been aiding or assisting to any such officer, for or concerning any matter, cause, or thing done or committed by such officer, or by any person or persons aiding or assisting him, on occasion, or for or by reason or means of any of the offences, trespasses, frauds, misdemeanors, or other matters or things by this act intended to be released and discharged, shall, before such time as he, she, or they shall be admitted to make such plea as aforesaid, or to take any benefit or advantage of this act, absolutely release and discharge such action or actions, discontinue and cause all proceedings to be staid in all and every such informations, indictments, and other prosecution and prosecutions brought or commenced as aforesaid.

and stopping all proceedings brought against officers or their assistants concerning the same.

IV. And be it further enacted, That if any person or persons, who shall claim the benefit of this act, shall after such claim bring or commence, or cause to be brought or commenced, any action, plaint, information, or other prosecution whatsoever, against any officer of his Majesty's customs, or excise, or other person who shall have aided or assisted any such officer, for or concerning any act, matter, or thing done or committed by them, or any of them, on occasion of, or for, or by reason or means of any of the offences, frauds, misdemeanors, or other matters or things intended to be released and discharged by this act, such claim is and shall be deemed to be an absolute discharge and release to such officer or other persons of and from

Officers discharged, and may recover costs against persons claiming the benefit of this act, and afterwards prosecuting them.

all and every such actions, suits, and prosecutions; and such officer or other persons may plead the general issue, and give the special matter in evidence; and the said officer or other person shall recover his costs of suit against the person or persons so bringing or commencing such action or prosecution.

Persons having the benefit of this act, being afterwards guilty of the like offences, liable to be prosecuted for both former and new offence, and for smuggling bonds, &c.

V. Provided also, and be it further enacted by the authority aforesaid, That all and every person and persons, who shall take, receive, or be intitled to the benefit of this present act of indemnity, and shall afterwards be guilty of, or commit any of the offences, trespasses, frauds, or misdemeanors, as are herein before-mentioned, or hereby intended to be acquitted, released, or discharged, or any of the offences hereafter in this act to be mentioned or expressed, shall be subject and liable to be prosecuted, not only for or in respect of such new offence by him, her, or them committed, but shall also for and in respect of the said offences committed before the making of this act, and for and in respect of all bonds and securities by them or any of them given to his Majesty, or to any person or persons for his Majesty's use, commonly called *Smuggling Bonds*, be subject and liable to all and every the same pains, penalties, forfeitures, and actions, for duties of customs or excise, and actions upon the said bonds and securities, as he, she, or they would have incurred or been subject or liable to, in case this act had never been made; any thing herein contained to the contrary thereof notwithstanding.

This act not to discharge any judgment for monies actually levied, nor the informer's part of the penalty.

VI. Provided also, That this act, or any thing herein contained, shall not extend, or be construed to extend, to acquit, release, or discharge any judgment or judgments, where the monies or other things recovered have been actually levied or taken in execution before the making of this act; nor shall the same extend, or be construed to extend, to acquit, release, or discharge any judgment or judgments, in respect to such part thereof as belongs to the informer, or such person or persons who hath or have joined with his Majesty in such suit or suits, wherein such judgment or judgments hath or have been obtained, unless and until such person or persons who would take the benefit of this act shall pay to such informer or other person or persons the full costs of such suit or suits, in which such judgment or judgments shall have been obtained.

Persons now liable to be transported for any such offences, committing the like after claiming the benefit of this act, to suffer death.

VII. Provided also, and be it further enacted by the authority aforesaid, That if any person or persons who hath committed or been guilty of any of the offence or offences herein before mentioned, for which any such person or persons is or are by any law or statute now in being liable to be transported as a felon or felons, shall for any of the said offences take or receive the benefit of this present act, and shall afterwards be guilty of, or commit any of the said offences, for which he, she or they is or are now liable to be transported as aforesaid; then all and every such person and persons (being duly convicted of or for any of the said offences hereafter to be committed as aforesaid, and upon due proof made that such person or persons had committed any

any of the said offences before the making of this act, and had taken or received the benefit thereof for his, her or their discharge) shall be adjudged guilty of felony, and shall suffer death as in cases of felony without benefit of clergy.

VIII. Provided also, That all persons, who have compounded with or agreed to pay any sum of money by way of composition to his Majesty, or to the lords commissioners of his Majesty's treasury, or to any of the barons of the exchequer, or to the commissioners of the customs or excise respectively for the time being, on his Majesty's behalf, for or in respect of any of the above mentioned offences, or for the forfeitures or penalties arising thereby, shall make good such compositions and agreements as have been by them respectively made, or in default thereof all and every such persons shall be excluded and deprived of and from all benefit and advantage of this act.

EXCEPTED and foreprized out of this act, all seizures of prohibited or uncustomed goods and other goods, and all seizures of ships, vessels, boats, horses, or other cattle or carriages, liable to be seized and forfeited by any law in being relating to his Majesty's revenues of custom or excise, for or in respect of the forfeiture and condemnation of such goods only; and also saving and excepted out of this present act unto his Majesty, his heirs and successors, all customs, duties, and sums of money due and owing from any person or persons, for or upon the entry or lawful importation of any goods, wares, or merchandizes; and all and every debts and sums of money due to his Majesty from any person or persons upon any bond, obligation, or other contract or agreement whatsoever, touching or concerning the lawful landing or importing any goods, wares, or merchandizes, or the customs or other duties due or payable for the same; and all bonds and obligations given by any officer or officers of the customs or excise to his Majesty, or any of his predecessors, or to any other person or persons for the use of or in trust for his said Majesty or his predecessors; and also saving to his said Majesty, his heirs and successors, all debts, dues, and demands, due or owing to his said Majesty for or in respect of any sum or sums of money by him or any of his royal predecessors at any time paid upon any debenture or debentures, certificate or certificates, where any such debenture or certificate was wrongfully or fraudulently obtained, or where the same debenture afterwards became void by any relanding of the goods therein mentioned, or by any other way or means whatsoever; and all other debts, dues, and demands, for and in respect of the customs, excise, and other duties chargeable on any goods, wares, or merchandizes, concerning which there is any action, information, suit, or prosecution now depending in any of his Majesty's courts at *Westminster* or elsewhere.

IX. Provided nevertheless, and be it enacted by the authority aforesaid, That in case any judgment shall be given for his Majesty, his heirs or successors, in any suit or suits depending, in any of his Majesty's courts at *Westminster* or elsewhere, on the

Persons neglecting to pay composition money, excluded from the benefit of this act.

Excepted out of this act, all seizures of goods, vessels, &c.

Money due on entry of goods, or bond;

Debentures fraudulently obtained,

and actions now depending.

Treasury may compound in cases where judgment was given for his

Majesty in
suits depend-
ing on 11 May,
1736, relating
to debentures,
&c.

eleventh day of May, one thousand seven hundred and thirty six, for the recovery of any debts, dues, or demands, due or owing to his said Majesty for or in respect of any money paid by him or his royal predecessors upon any debenture or debentures, or certificate or certificates, where any such debenture or certificate was wrongfully or fraudulently obtained, or where the same became void by relanding the goods therein mentioned, or by any other ways or means whatsoever; it shall and may by lawful to and for the commissioners of his Majesty's treasury, or any three or more of them, or the lord high treasurer for the time being, in case he or they shall think fit, to compound for, release, or discharge the same, notwithstanding any appropriation thereof by any act or acts of parliament, but so as all such monies which shall arise or be received by virtue of any such composition, shall be applied in such manner, and to such uses, as the original debts, dues, or demands recovered by such judgments are or would be applicable, if this act had not been made, or in a rateable proportion where the same debts, dues, and demands are applicable to different uses.

X. And whereas divers dissolute and disorderly persons frequently appear in great gangs near the sea coasts and the shores of navigable rivers, and in and about the towns and villages adjacent thereto, and in divers other parts of this kingdom, carrying fire-arms or other offensive weapons, to the great terror of his Majesty's subjects, and the hindrance of the civil officers, and the officers of the customs and excise, in the execution and discharge of their duty, and during their abode there commit great spoil and devastation to the estates thereabouts, in order to be aiding and assisting in the clandestine running, landing, or carrying away prohibited and uncustomed goods, and to rescue the same after seizure from the officers of the customs or excise, and to watch for proper opportunities for that purpose: and whereas several officers of the revenue and others their assistants have been wounded, maimed, and some of them murdered in the execution of their office, and great quantities of run goods have been rescued after seizure, and sheriffs and other civil officers have been forcibly hindered from the execution of process: for preventing thereof be it further

After 24 June, 1736, any justice, on information upon oath, that 3 or more persons are assembled together, armed with fire-arms, &c. may grant a warrant for apprehending them,

enacted by the authority aforesaid, That from and after the twenty fourth day of June, in the year of our Lord one thousand seven hundred and thirty six, upon information to be given upon oath before any one or more of his Majesty's justices of the peace in any county, city, or liberty whatsoever, that any persons to the number of three or more are or have been after the said twenty fourth day of June, one thousand seven hundred and thirty six, assembled for any of the purposes aforesaid, and are or have been after the said twenty fourth day of June, armed with fire-arms or other offensive arms or weapons; such justice or justices of the peace shall and may grant his or their warrant to the constables, headboroughs, and other peace officers whatsoever, or any of them, requiring such officer and officers respectively, to take to his and their assistance as many of his Majesty's subjects as may be thought necessary for the apprehending

ing all and every person and persons, against whom such information shall be given as aforesaid; and such justice or justices of the peace shall and may (if upon due examination he or they find cause) commit all and every or any of the said person and persons to the next county gaol, there to remain without bail or mainprize until he, she, or they shall be discharged by due course of law; and all and every such person and persons upon due proof of his, her, or their being assembled and armed as aforesaid, in order to be aiding and assisting in the clandestine running, landing, resewing, or carrying away prohibited or uncustomed goods, and upon conviction of and for such offence, shall be adjudged guilty of felony, and shall be transported as a felon or felons to some or one of his Majesty's colonies or plantations in *America*, there to remain for the space of seven years, in the same manner as felons are appointed to be transported by an act made in the fourth year of the reign of his late Majesty king *George the First*, of glorious memory, intituled, *An act for the further preventing robbery, burglary and other felonies, and for the more effectual transportation of felons, and unlawful exporters of wooll, and for declaring the law upon some points relating to pirates*, and by another act made in the sixth year of the reign of his said late Majesty, intituled, *An act for the better preventing robbery, burglary, and other felonies, and for the more effectual transportation of felons*; and if any such offender or offenders shall return into *Great Britain* or *Ireland* before the expiration of the said term, contrary to the intent and meaning hereof, he or they so returning shall suffer as felons, and have execution awarded against them as persons attainted of felony without benefit of the clergy.

and commit them to the county gaol;

upon conviction of their being assembled to assist in the running of goods, they shall be transported for 7 years, as other felons by the acts 4 & 6

Geo. 1.

4 Geo. 1. c. 11.

6 Geo. 1. c. 23.

Persons returning before the expiration of such term, to suffer death, sol. reward for apprehending,

XI. And for the better discovery and apprehending all and every the said offender and offenders, be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, one thousand seven hundred and thirty six, all and every person or persons, who shall apprehend and take any person or persons guilty of any of the offences last before-mentioned, shall have and receive for every such offender who shall be convicted of any such offence, the sum of fifty pounds, to be paid in such manner as herein after is mentioned, immediately after such conviction and demand thereof made by tendering a certificate under the hand or hands of the judge or judges before whom such offender or offenders shall be convicted, certifying the conviction of such offender or offenders, and that he, she, or they were taken by the person or persons claiming the said reward; and that if any person or persons shall happen to lose any limb, or an eye, or be otherwise maimed or dangerously wounded, in the apprehending, or in the endeavouring to apprehend, or making pursuit after, any such offender or offenders, all and every person and persons so maimed or wounded as aforesaid shall upon such conviction as aforesaid have and receive the sum of fifty pounds, over and above any other reward that he or they shall be intitled to by virtue of

sol. to persons maimed in apprehending,

and sol. to the executors of persons killed in apprehending such offenders.

this act; and that in case any person or persons shall happen to be killed in the taking or apprehending, or endeavouring to apprehend, or in making pursuit after, any such offender or offenders, that then the executors or administrators of such person or persons so killed as aforesaid (upon certificate delivered under the hands and seals of the justice or justices of assize for the county where the fact was done, or the two next justices of the peace, of such person or persons being so killed, which certificate the said justice or justices, upon sufficient proof before him or them made, is and are hereby required immediately to give without fee or reward) shall have and receive the sum of fifty pounds, over and above any other reward that the person or persons so killed, his or their executors or administrators, shall or may be intitled to by virtue of this act.

Offenders discovering a or more accomplices, three months after the offence to the commissioners of the customs, &c. to be discharged, and intitled to 50*l.* reward.

XII. And be it further enacted, That if any of the said offender or offenders shall within three months after such his, her, or their offence, and before his, her, or their conviction, discover two or more of his, her, or their accomplices therein to the commissioners of the customs or excise in *England* or *Scotland* respectively, so as they or two of them at least be convicted of such offence, the offender or offenders so discovering shall have and receive the sum of fifty pounds for every such offender so discovered and convicted, as a reward for such his, her, or their discovery, and every such person so discovering shall be clearly acquitted and discharged of such his, her, or their offence; all which said rewards shall be paid in such manner as herein after is mentioned.

Two or more persons found passing together, within 5 miles of the sea, or a navigable river, with horse, cart, &c. laden with 6*lb.* of tea, 5 gallons of brandy or other spirits, &c. not having paid the duty, and bearing offensive arms, or being masked, &c. to be deemed runners of foreign goods.

XIII. *And whereas the laws in being have hitherto proved insufficient for preventing the carrying prohibited and uncustomed goods through the country with an armed force; for remedy thereof be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of June, one thousand seven hundred and thirty six, all persons who to the number of two or more in company shall be found passing within five miles from the sea coasts, or from any navigable river, with one or more horse, or horses, or with any cart or carriage, whereon there shall be laden or put more than six pounds of tea, or brandy or other spirits exceeding the quantity of five gallons, not having paid the duties by law charged thereon, and not having a permit for the same, or any other foreign goods or commodities above the value of thirty pounds sterling landed from any ship or vessel without the due entry and payment of the duties by law charged thereon, and shall carry any offensive arms or weapons, or wear any vizard mask, or other disguise, when passing with such goods and commodities as aforesaid, or shall forcibly hinder, obstruct, assault, oppose, or resist any of the officers of the customs or excise in the seizing or securing any sort of prohibited, uncustomed, or run goods or commodities, or other the execution of their office, shall be deemed and taken to be runners of foreign goods and commodities within the intent and meaning of one act of parliament made in the eighth year of the reign of his*

his said late majesty King George the First, intituled, *An act to prevent the clandestine running of goods, and the danger of infection thereby, and to prevent ships breaking their quarantine; and to subject copper ore of the production of the British plantations to such regulations as other enumerated commodities of the like production are subject*, although no proof shall be given or made that such tea, brandy, spirits, or other goods or commodities were run, or had not been duly entered and paid the duties chargeable thereon; but the proof of such entry and payment of the duties, and of the manner how the said persons so found with the said goods and commodities came by the same, shall wholly lie on such person and persons; and all and every person and persons being convicted of or for any of the said offences shall be adjudged guilty of felony, and shall for his, her, or their offence, be transported as a felon or felons to some one of his Majesty's colonies or plantations in *America*, there to remain for the space of seven years, in such manner as felons are appointed to be transported by the said two acts made for that purpose in the fourth and sixth years of the reign of his majesty King George the First, herein before particularly mentioned; and if any such offender or offenders shall return into *Great Britain* or *Ireland* before the expiration of the said seven years, he or they so returning shall suffer as felons, and have execution awarded against him, her, or them, as persons attainted of felony without benefit of clergy.

XIV. And be it further enacted by the authority aforesaid, That all the goods, wares, and merchandizes, so found as aforesaid, and all weapons and arms, as well offensive as defensive, found upon or with such person or persons as aforesaid, and all the furniture of their and every of their horse and horses, and other cattle and carriages, and the chests, boxes, bags, casks, and other package of all goods so found as aforesaid, shall be forfeited and lost.

XV. And be it further enacted by the authority aforesaid, That if any officer of the customs or excise shall lose any limb or an eye, or be otherwise maimed, or dangerously wounded, by any offender or offenders herein last mentioned, in the execution of the duty of his office, or if any such officer or other person whatsoever shall be so maimed or wounded as aforesaid, in the apprehending, or endeavouring to apprehend, or making pursuit after any such offender or offenders, all and every such officer and officers, person and persons, so maimed and wounded as aforesaid, shall upon the conviction of such offender or offenders have and receive as a reward the sum of fifty pounds, over and above any other reward that he or they shall be intitled to by virtue of this act; and in case any person or persons shall happen to be killed in the taking or apprehending, or endeavouring to apprehend, or in making pursuit after, any such offender or offenders, that then the executors or administrators of such person or persons so killed as aforesaid (upon certificate under the hands and seals of the justice or justices of

The proof of entry and payment of duties to lie on the persons found with the goods.

All goods, weapons, furniture, and package of goods so found, forfeited.

The 50 l. reward to persons wounded in apprehending.

and to the executors of persons killed in apprehending.

affize for the county where the fact was done; or the two next justices of the peace, of such person or persons being so killed, which certificate the said justice or justices, upon sufficient proof before him or them made, is and are hereby required immediately to give without fee or reward) shall have and receive the sum of fifty pounds over and above any other reward that the person or persons so killed, his, her, or their executors or administrators, shall or may be intitled to by virtue of this act.

and to the
discoverers of
their accomplices,

XVI. And be it further enacted, That from and after the said twenty fourth day of *June*, one thousand seven hundred and thirty six, if any person or persons shall, within three months after any of the said offences herein last before mentioned shall have been committed, discover to the commissioners of the customs or excise in *England* or *Scotland* respectively, any person or persons who shall have been guilty of any such offence, so as such offender or offenders be convicted thereof, such discoverer or discoverers shall have and receive the sum of fifty pounds for every such offender so discovered and convicted, over and above any other reward or recompence which he, she, or they may be intitled to by any law or statute now in being.

to be paid by
the respective
receivers general,
by order of commissioners,
on certificate
of the judge
of the offender's conviction.

XVII. And be it further enacted by the authority aforesaid, That the commissioners of the customs and excise in *England* and *Scotland* respectively shall cause the several rewards in this act before respectively mentioned to be paid to the several and respective persons who shall become intitled thereto as aforesaid, by the respective receiver general or cashier, or other proper officer of the customs and excise for the time being, out of any publick money in his or their hands under the management of the said commissioners, upon producing to them a certificate or certificates under the hand or hands of the judge or judges of the court before whom such offender or offenders shall be tried, certifying his, her, or their conviction, or upon producing such certificate of any such persons being so killed as aforesaid, as is herein before mentioned; and that if any dispute shall arise between the persons so intitled to the said rewards or any of them about their respective shares and proportions thereof, the same shall be divided to and amongst such persons as aforesaid, in such shares and proportions as to the said commissioners of the customs or excise respectively, or to the major part of them, shall seem just and reasonable; and the money paid by any receiver general, cashier, or other officer as aforesaid, shall be accepted of, and allowed in his accounts, as so much money paid to his Majesty, and every such officer is and shall be hereby discharged thereof accordingly; any law, custom, or usage to the contrary notwithstanding.

Commissioners
to adjust
the shares in
case of difference.

Persons lurking
within 5
miles of the
sea, or a navigable river,

XVIII. And be it further enacted by the authority aforesaid, That upon information to be given upon oath before any one or more of his Majesty's justices of the peace in any county, city, or liberty whatsoever, that any person or persons are or shall be lurking, waiting, or loitering, within five miles from the sea,

sea coast, or from any navigable river, and that there is reason to suspect that they wait with intent to be aiding and assisting in the running, landing, or carrying away, any prohibited or uncustomed goods, it shall and may be lawful to and for every such justice or justices to cause all such persons to come and be brought before him or them, and to grant his or their warrant or warrants for the apprehending such offender, and bringing him or them before any of his Majesty's said justices of the peace; and if such persons shall not give a satisfactory account of themselves, and their callings and employments, or otherwise make it appear to the satisfaction of such justice or justices that they are not to be employed or concerned in, or to be aiding or assisting in the carrying on any fraudulent or clandestine trade, or unlawful business or occupation, and are not at such place as aforesaid with intent to carry on the said clandestine practices, then every person who shall not give such account and satisfaction to such justice or justices shall be committed to the house of correction, there to be whipt and kept to hard labour for any time, which such justice or justices shall in his or their discretion think meet, not exceeding one month, and that the commissioners of the customs or excise respectively shall cause to be paid to the person or persons informing of such offender or offenders a reward of twenty shillings *per head* for every such offender so taken as aforesaid.

not giving a satisfactory account to the justice, to be sent to the house of correction, whipt, and kept to hard labour.

20 s. reward per head to the informer of such offenders, to be paid by the commissioners.

XIX. Provided always, and be it further enacted by the authority aforesaid, That if any such person so brought before such justice or justices shall desire time for the making it appear that he or they is or are not concerned in any of the fraudulent or clandestine practices above mentioned, such person or persons shall not be punished by whipping or other correction; but that then and in every such case it shall and may be lawful to and for every such justice and justices to commit such person and persons to the common gaol, there to remain and continue until he or they shall give such account of him or themselves, or make proof of the matters aforesaid to the satisfaction of such justice or justices, or until such person or persons shall give and find good and sufficient security to the approbation and satisfaction of the said justice or justices, not to be guilty of any of the said offences, or fraudulent, clandestine, or indirect practices.

Persons so apprehended, desiring time to clear themselves of the accusation, to be only committed to prison, till satisfaction, or security given, not to be guilty of the like offences.

XX. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of June one thousand seven hundred and thirty six, if any person shall offer any tea, brandy, arrack, rum, or other strong waters, or spirits, to sale, not having a permit for the same, or if any hawker, pedlar, petty chapman, or any other trading person or persons going from town to town, or to other mens houses, and trading either on foot, or with any horse or horses, or other cattle, or otherwise, within the kingdom of Great Britain, shall offer any such tea, brandy, or other spirits, to sale, although such hawker, pedlar, or trading person or persons, shall have a permit

Tea, brandy, &c. offered to sale, with or without a permit, may be stopped, on suspicion.

The person stopping such goods may prosecute in his own name, and on recovery be intitled to a third part of the produce at sale. Commissioners to advance 1s. per pound for tea, and 1 s. per gallon for brandy, so seized, to the prosecutor, till sale.

After 24 June, 1736, watermen, porters, &c. found with prohibited or run goods, to forfeit treble the value.

mit for the same, it shall and may be lawful to and for every person and persons, to whom the same shall be so offered to sale, to stop, arrest, seize, and detain all such tea, brandy, or spirits, and carry the same to the next warehouse belonging to the customs or excise, and to bring the person and persons so offering the same to sale before any one of his Majesty's justices of the peace, to be by him committed to prison, and prosecuted for the penalties and forfeitures incurred for such offence; and such tea, brandy, or other spirits, shall and may be prosecuted in the name of such person or persons who stopped or seized the same, in like manner as if the said goods had been seized by any officer of the customs or excise; and after condemnation of the goods, and commitment of the persons so offending as aforesaid, the persons so seizing the same as aforesaid shall be intitled to one third part of the gross produce of the sale of such goods, which the commissioners of the customs and excise respectively are to cause to be paid accordingly; and in case such person or persons, so seizing the said goods, shall desire it, the said commissioners shall in the mean time till the said goods can be publickly sold, cause one shilling for every pound of tea, and one shilling for every gallon of brandy so seized, to be paid or advanced to such person or persons, upon a certificate under the hand of such justice or justices of such offender or offenders being committed to prison, and after the sale of such goods the monies so paid or advanced shall be replaced out of the produce of such sale; any law, custom, or usage to the contrary notwithstanding.

XXI. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, one thousand seven hundred and thirty six, all watermen, carmen, porters, and other persons whatsoever, employed in carrying any goods, wares, or merchandizes prohibited, run, or clandestinely imported, upon whom, or in whose custody, the same shall be found or seized, knowing the same goods to be prohibited, or to have been clandestinely run or imported without payment of the duties of customs or excise respectively, and who shall be thereof lawfully convicted upon his, her or their appearance or default upon the oath or oaths of one or more credible witness or witnesses, or by the confession of the party before one or more justice or justices of the peace of the county, division, or liberty where such offence shall be committed or the offender found (which oath such justice or justices of the peace are hereby authorized and required to administer) shall forfeit treble the value of all such goods so found and seized, one moiety thereof to the informer, the other moiety thereof to the poor of the parish where such offence shall be committed; the same to be levied by distress and sale of the offender's goods or chattels, by warrant under the hand and seal, or hands and seals of such justice or justices before whom such offender shall be convicted as aforesaid; and for want of such distress every such offender shall by such justice or justices be committed to the

the house of correction, there to be whipt and kept to hard labour for any time that such justice or justices of the peace shall in his or their discretion judge meet, not exceeding three months.

XXII. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, one thousand seven hundred and thirty six, where any ship or vessel whatsoever coming or arriving from foreign parts, and having on board six pounds of tea, or any foreign brandy, arrack, rum, strong waters, or other spirits whatsoever, in casks under sixty gallons (except only for the use of the seamen then belonging to and on board such ship or vessel, not exceeding two gallons for each seamen) shall be found at anchor, or hovering within the limits of any of the ports of this kingdom, or within two leagues of the shore, or shall be discovered to have been within the limits of any port, and not proceeding on her voyage, wind and weather permitting (unless in case of unavoidable necessity, and distress of weather, of which necessity and distress the master, purser or other person having or taking the charge or command of such ship or vessel, shall give notice to, and make proof of before the collector or other chief officer of the customs of such port as aforesaid immediately after the arrival of such ship or vessel into the said port) all such tea, foreign brandy, arrack, rum, strong waters and spirits, together with the chests, boxes, casks, and other package whatsoever, containing the same goods, or the value thereof, shall be forfeited and lost (whether bulk shall then have been broken or not) and the same goods and package shall and may be seized and prosecuted, or the value thereof sued for by any officer or officers of the customs or excise in such manner and form as herein after is expressed; any law, statute, or custom to the contrary notwithstanding.

Vessels arriving from foreign parts with 6 pounds of tea on board, or brandy, &c. in casks under 6 gallons (except for the use of the seamen) hovering within two leagues of the shore,

all such goods with the package to be forfeited.

XXIII. And whereas foreign goods are frequently taken out of ships at sea without the limits of any port, with intent to be fraudulently landed in this kingdom; for preventing thereof, be it further enacted by the authority aforesaid, That in case any foreign goods, wares, or merchandizes, shall after the twenty ninth day of *September*, one thousand seven hundred and thirty six, by any ship, boat, or vessel whatsoever, be taken in at sea, or put out of any ship or vessel whatsoever, within the distance of four leagues from any of the coasts of this kingdom (whether the same be within or without the limits of any of the ports thereof) without payment of the customs and other duties due and payable for the same (unless in case of apparent necessity or some other lawful reason, of which the master or other person having charge of such ship, vessel or boat, so taking in the same, shall give immediate notice to, and make proof before the chief officer or officers of the customs of the first port of this kingdom where he shall arrive) such goods, wares and merchandizes, shall be forfeited and lost, and the master, or other person having charge of such ship, vessel or boat so taking in the same,

After 29 Sept. 1736, foreign goods taken in or put out of any vessel within four leagues of the British coasts without payment of customs, (unless in case of apparent necessity) to be forfeited, and the master, &c. to forfeit treble the value, and the vessel forfeited, if not above 100 tons.

and

and all such persons who shall be aiding, assisting or otherwise concerned in the unshipping or receiving of the said goods, wares or merchandizes, shall forfeit treble the value thereof; and the ships, boats and vessels, into which the said goods, wares and merchandizes shall be unshipped and taken in, shall also be forfeited and lost, any ship, boat or vessel, so to be forfeited and lost, not exceeding the burthen of one hundred tuns; and the master, purser or other person taking charge of such ship or vessel out of which such goods shall be taken (unless in case of such apparent necessity or other lawful reason, whereof notice shall be given by him, and proof be made as aforesaid) shall also forfeit treble the value of the goods so unshipped as aforesaid; which forfeitures shall be divided and recovered in such manner as is herein after mentioned.

30 l. penalty
on offering to
bribe an officer
to connivance, &c.

XXIV. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall offer any bribe, recompence or reward whatsoever, to any officer or officers of the customs or excise, to connive at or permit any customable or prohibited goods to be run on shore, or to connive at any false or short entry of any such goods, or to do any other act whereby his Majesty might be defrauded in his said revenues, every such person and persons shall for every offence (whether the same offer or proposal shall be accepted or not) forfeit the sum of fifty pounds, to be recovered and divided in such manner as herein after is mentioned.

Forfeitures
how to be re-
covered and
distributed.

XXV. And be it further enacted by the authority aforesaid, That one moiety of the several penalties and forfeitures in this act mentioned shall be to the use of his Majesty, his heirs and successors, and the other moiety shall be to the use of such person and persons as shall inform, prosecute or sue for the same (except in such cases where any other appropriation or distribution of the said penalties is made by this act, or by any other act or acts) and that all the same penalties and forfeitures shall and may be prosecuted and sued for, and the causes and controversies arising thereupon, tried, heard, and determined, in any of his Majesty's courts of record at *Westminster*, or in the court of *Exchequer* at *Edinburgh* respectively (except where any provision to the contrary is made by this or any other law or statute now in force) wherein no essoin, protection, wager of law, or more than one imparlance shall be allowed.

Actions of as-
sault upon of-
ficers may be
tried in any
county of Eng-
land.

XXVI. And, for the better and more impartial trial of any indictment or information which shall be found, commenced or prosecuted, for any assault made or committed upon any of the officers of the customs or excise; be it further enacted by the authority aforesaid, That all and every the said offence and offences shall and may be enquired of, examined, tried and determined in any county within that part of the kingdom of *Great Britain* called *England*, in such manner and form as if the same offence had been therein committed.

XXVII. *And whereas in ships from foreign parts goods are often concealed in false bulk heads, between the linings and false knees, or*

in

in concealed lockers, or in the ballast or false package, and other places, which the officers of the customs cannot easily find out or discover, in order to their being landed without payment of duties, and such goods are not by any law liable to forfeiture, unless the same be found after clearing the ship by the proper officer or officers of the customs; for remedy whereof be it enacted by the authority aforesaid, That all goods which shall be found concealed as aforesaid, or concealed in any other place on board any ship or vessel at any time after the master thereof shall have made his report at the custom-house, and which shall not be comprized or mentioned in the said report, shall be forfeited and lost, and shall and may be seized and prosecuted by any officer or officers of the customs, and the master, purser, or other person having the charge or command of such ship or vessel (in case it can be made appear that he was any ways consenting or privy to such fraud or concealment) shall forfeit treble the value of the goods so found, to be divided and recovered in such manner as herein before is mentioned.

All goods found concealed after the master's report at the custom house, forfeited, and the master, &c. to forfeit treble the value.

XXVIII. And whereas the punishments to which such persons as shall forcibly obstruct or hinder any officer of the customs or excise, being on board any ship, boat or vessel within the limits of any of the ports of this kingdom, are liable by law, but proved insufficient; for preventing the said offences, be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of June, one thousand seven hundred and thirty six, if any officer or officers of the customs or excise, being on board any ship, boat or vessel within the limits of any of the ports of this kingdom, be forcibly hindered, opposed, obstructed, wounded or beaten, in the due execution of his or their office or duty, by any person or persons whatsoever, either in the day or night, all and every person and persons so forcibly hindring, opposing, obstructing, wounding or beating the said officer or officers in the execution of his or their office, and all such as shall act in their aid or assistance, being convicted thereof, shall by order of the court before whom such offender or offenders shall be convicted, be transported to some of his Majesty's colonies and plantations in America, for such term as such court shall think fit, not exceeding seven years, in the same manner as by one act made in the fourth year of the reign of his late majesty King George the First, of glorious memory, intituled, *An act for the further preventing robbery, burglary and other felonies, and for the more effectual transportation of felons, and unlawful exporters of wool, and for declaring the law upon some points relating to pirates;* and by one other act made in the sixth year of the reign of his said late Majesty, intituled, *An act for the better preventing robbery, burglary, and other felonies, and for the more effectual transportation of felons,* the offenders therein mentioned are to be transported to the said colonies and plantations; and if any such offender or offenders shall return into Great Britain or Ireland before the expiration of the said term, contrary to the intent and meaning hereof, he or they so returning shall suffer as felons, and

Persons forcibly obstructing or wounding officers on board in the execution of their offices, to be transported, not exceeding 7 years,

as other felons by the acts 4 & 6 Geo. 1.

and have execution awarded against them as persons attainted of felony, without benefit of clergy.

Officers may go on board coasting vessels, and search for prohibited goods,

and continue on board during the vessel's stay in the port.

100 l. penalty on obstructing officers.

100 l. penalty on alehouse men, &c. knowingly harbouring any person against whom process hath issued for obstructing officers, &c.

XXIX. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, one thousand seven hundred and thirty six, it shall and may be lawful to and for any officer or officers of the customs or excise, producing his or their warrant or deputation, warrants or deputations (if required) to go on board and enter into any coasting ship or vessel, which shall be within the limits of any of the ports of this kingdom, and to rummage and search the cabin and all other parts of all such coasting ships or vessels, for prohibited and uncustomed goods, and such officer and officers is and are hereby authorized and empowered to stay and remain on board all such ships and vessels, during the whole time that the same shall continue within the limits of any such port as aforesaid; and if any person or persons whatsoever shall obstruct, oppose, molest, let or hinder any officer or officers of the customs or excise, in going or remaining on board any such coasting ship or vessel, or in the entering or searching the cabin, or any other part thereof, every such person and persons shall for every such offence forfeit and lose the sum of one hundred pounds, to be divided and recovered in such manner as herein before is expressed.

XXX. And be it further enacted by the authority aforesaid, That if any person or persons who keep or shall keep any tavern alehouse, victualling house, or other house where ale, wine, brandy, or other strong liquors shall be sold by retail, shall after the twenty ninth day of *September*, one thousand seven hundred and thirty six, knowingly receive, harbour or entertain any person or persons against whom any *Capias* or other process of arrest shall have issued, for having beat, abused or obstructed any officer or officers of the customs or excise in the execution of their office, or for any offence or offences that are or shall be committed against any of the laws now in being for preventing frauds in relation to the revenues of customs or excise, or for any crime or crimes whatsoever that shall be committed or done in prejudice of the said revenue, and to which *Capias* or other process the sheriff or other officer having execution of the said process shall have returned, that such person or persons cannot be found, and which person or persons shall not have appeared to the said process, or for any other offence, fraud or misdemeanor in this act mentioned, or to the prejudice of his Majesty's customs or excise, or shall knowingly harbour, receive or entertain any person or persons, who having been in prison for any of the said offences shall have escaped, or who shall have been convicted for the same, and shall fly from justice; shall forfeit one hundred pounds, to be recovered and divided in such manner as is herein before expressed, and be rendered incapable of having a licence for keeping or of keeping any tavern, alehouse, or victualling house, or selling wine, ale, brandy, or other strong liquors by retail, for the future.

XXXI. Pro-

XXXI. Provided nevertheless, That no persons shall suffer any penalty or disability for such receiving, harbouring or entertaining, unless publick notice shall have been first given six days before in two successive *Gazettes*, of the absconding of the person or persons who shall be so received, harboured or entertained, and also by writing to be fixed to the door of the parish church where such person or persons last dwelt before, his absconding.

after 6 days notice in the *Gazette* of such person's absconding, and writing fixed to the door of the church.

XXXII. And whereas it hath been found by experience, that the *bailiffs* and other officers having the execution of process in the several counties, cities and liberties of this kingdom, often hold correspondence with the persons guilty of the several illegal practices herein before mentioned, and give them notice when any writ or process issues against them, whereby they escape from justice; for remedy thereof, be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, one thousand seven hundred and thirty six, where any writ of *Capias*, or other process, shall issue out of any court, directed to any sheriff, mayor, bailiff, or other person having the execution of process in any county, city or liberty, against any person who shall be guilty of, or prosecuted for, any offence whatsoever contrary to any of the laws or statutes now in being relating to his Majesty's said revenues of customs or excise, every such sheriff, mayor or bailiff, and other persons having execution of process as aforesaid, and their and every of their under-sheriffs, deputies, and other persons acting for them in the said office and offices respectively, shall, and are hereby enjoined and required, upon the request or application of any one of the known solicitors for the customs or excise (such request to be in writing indorsed upon the back of the said process, and signed by such solicitor with his name and addition of *solicitor for the customs or excise*, as the case shall happen to be) to grant a special warrant or warrants to such person or persons as shall be named to them by such solicitor, for the apprehending such offender and offenders, or in default thereof, every such sheriff, mayor, bailiff, under-sheriff, and other person acting in the said office or offices respectively, shall be subject and liable to such process of contempt, fines, amerciaments, penalties, and forfeitures, as they or any of them are now by any law, custom or usage liable to in case of refusing or neglecting to execute the like process, where the defendant might have been taken thereupon, in the common and usual method of proceeding.

Sheriffs, mayors, &c. on request in writing of a known solicitor for the customs or excise, to grant special warrants for apprehending offenders.

XXXIII. And it is hereby declared and enacted, That all and every such sheriff, mayor, bailiff, under-sheriff, and other person so granting or making out such special warrant as aforesaid, shall be and they are hereby saved harmless and indemnified against his Majesty, his heirs and successors, and against all and every other person and persons whomsoever, of and from all escapes of any person or persons who shall or may be taken by virtue of any such warrant as aforesaid, which shall or may happen from the time of the taking such offender or offenders,

Sheriffs, mayors, &c. granting such special warrants, saved harmless from escapes.

till he, she or they shall be committed to the proper gaol or prison, or offered and tendered to the gaol keeper or other person having charge of such gaol or prison (who is hereby enjoined and required to receive every such person or persons so apprehended as aforesaid, and give a receipt for his and their body and bodies) and of and from all actions, prosecutions, process of contempt, and other proceedings whatsoever, for or by reason of any such escape; any law, custom, or usage to the contrary thereof in any wise notwithstanding

XXXIV. *And whereas by the present practice of the court of Exchequer, and elsewhere, it is become necessary for all officers of the customs and excise, and other officers of the revenue, upon the trial of any information of seizure, to give proof of the exact method and manner of making the seizure, with an account of the form of words used on that occasion, notwithstanding the defendants in such cause does, on the claiming of such goods, acknowledge that a seizure of them hath been made, whereby there often happens a failure of justice, and his Majesty, and the officer making the seizure, and prosecuting the same, are frequently defeated of their right, without entering into the merits of the cause; for remedy thereof be it further enacted by the authority aforesaid, That on all trials of seizures whatsoever in the court of Exchequer, or elsewhere, the seizure, together with the method and form of making it, shall be taken to have been made by the person or persons who shall inform and sue for the same, and to be done in the manner as set forth in the information, without any evidence thereof; and all judges and justices of the peace, before whom any such seizures shall be brought to trial or hearing, are hereby required to proceed to the trial of the merits of the cause, without inquiring into the fact, form, or manner of making the seizure.*

In trials of seizures, judges go proceed to the merits of the cause, without inquiring into the fact or form of making the seizure.

XXXV. *And whereas it frequently happens that several evil minded and desperate persons, in order to carry on without controul the wicked practices aforesaid, do in a publick and avowed manner, and with an armed force, pass and repass through several countries with large quantities of tea, brandy, and other prohibited and uncustomed goods, whereby the officers of his Majesty's customs and excise are either deterred from doing their duty, or in doing it are beat, wounded, maimed, and frequently murdered; for remedy whereof be it enacted by the authority aforesaid, That if any person or persons passing as aforesaid with prohibited or uncustomed goods, and armed with guns, pistols, cutlasses, or other offensive weapons, shall hinder, molest, or resist, any officer or officers of the customs or excise, who in the execution of his or their duty shall endeavour or offer to search for, take, or seize, any prohibited or uncustomed goods from any person or persons so passing with such goods, and armed as aforesaid, by beating, maiming, or wounding any of the officers above mentioned, or other persons acting in their assistance, that then and in every such case it shall and may be lawful for all officers of his Majesty's customs or excise, and all persons by them called to their assistance, who are so resisted, to oppose force to force, and*

Officers and their assistants may oppose force to force.

and to endeavour by the same methods that are violently used against them, and by which their lives are endangered, to defend themselves, and execute the duty of their office; and if any person so hindring, molesting, or resisting the officers aforesaid or their assistants, shall in so doing be wounded, maimed, or killed, and the said officers and their assistants shall be sued, molested, or prosecuted for the said beating, maiming, or killing; such officer and officers, and person and persons acting in their assistance, shall and may plead the general issue, and give this act and the special matter thereof in evidence in his and their defence; and all his Majesty's justices of the peace, and other justices and persons before whom any such officer or officers or other persons acting in their assistance shall or may be brought for or on account of any such wounding, maiming, or killing, as aforesaid, are hereby authorized and empowered, enjoined and required, to admit every such person and persons so brought before him or them as aforesaid to bail; any law, usage, or custom, to the contrary notwithstanding.

XXXVI. Provided always, That nothing in this act contained shall extend, or be construed to extend, to indemnify, release, or discharge any person or persons from or against any suit, information, or prosecution, by or on the behalf of the united company of merchants of *England* trading to the *East Indies*, commenced or to be commenced, as well for his Majesty, his heirs or successors, as for themselves, or for themselves only, or from or against any penalty, forfeiture, or demand, or right of suit for the same, which the said united company are by law intitled unto; any thing in this act contained to the contrary in any wise notwithstanding.

XXXVII. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, the defendant or defendants in such action or suit may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by authority of this act; and if it shall appear so to have been done, then the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action, after the defendant or defendants shall have appeared, or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same as defendants have in other cases by law.

XXXVIII. Provided always, That nothing in this act contained shall extend, or be construed to extend, to restrain his Majesty's court of *King's Bench*, or any of the judges thereof, or the court of judicature in *Scotland*, respectively, from bailing any person committed for felony by virtue of this act, in such manner as they may by law do in other cases of felony.

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and when carried before a justice for wounding or killing any person in such cases, shall be admitted to bail.

This act not to indemnify any person prosecuted by the East India company.

General issue.

Treble costs.

The court of King's Bench, or judicature in Scotland, not restrained from bailing persons committed on this act.

CAP. XXXVI.

An act to restrain the disposition of lands, whereby the same become unalienable.

Preamble.

After 24 June, 1736, no manors, lands, &c. nor money to be laid out in lands, to be given for charitable uses,

unless by deed indented, and executed before 2 witnesses 12 months before the death of the donor, and inrolled, &c.

The said limitations not to extend to purchase or transfers made for

WHEREAS gifts or alienations of lands, tenements or hereditaments, in Mortmain, are prohibited or restrained by Magna Charta, and divers other wholesome laws, as prejudicial to and against the common utility; nevertheless this publick mischief has of late greatly increased by many large and improvident alienations or dispositions made by languishing or dying persons, or by other persons, to uses called Charitable uses, to take place after their deaths, to the disberison of their lawful heirs; for remedy whereof be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of June, which shall be in the year of our Lord one thousand seven hundred and thirty six, no manors, lands, tenements, rents, advowsons, or other hereditaments, corporeal or incorporeal, whatsoever, nor any sum or sums of money, goods, chattels, stocks in the publick funds, securities for money, or any other personal estate whatsoever, to be laid out or disposed of in the purchase of any lands, tenements, or hereditaments, shall be given, granted, aliened, limited, released, transferred, assigned, or appointed, or any ways conveyed or settled to or upon any person or persons, bodies politick or corporate, or otherwise, for any estate or interest whatsoever, or any ways charged or incumbered by any person or persons whatsoever, in trust, or for the benefit of any charitable uses whatsoever; unless such gift, conveyance, appointment, or settlement of any such lands, tenements, or hereditaments, sum or sums of money, or personal estate (other than stocks in the publick funds) be and be made by deed indented, sealed and delivered in the presence of two or more credible witnesses twelve calendar months at least before the death of such donor or grantor (including the days of the execution and death) and be inrolled in his Majesty's high court of Chancery, within six calendar months next after the execution thereof; and unless such stocks be transferred in the publick books usually kept for the transfer of stocks six calendar months at least before the death of such donor or grantor, (including the days of the transfer and death) and unless the same be made to take effect in possession for the charitable use intended, immediately from the making thereof, and be without any power of revocation, reservation, trust, condition, limitation, clause, or agreement whatsoever, for the benefit of the donor or grantor, or of any person or persons claiming under him.

II. Provided always, That nothing herein before mentioned relating to the sealing and delivering of any deed or deeds twelve calendar months at least before the death of the grantor, or to the transfer of any stock six calendar months before the death

of

of the grantor or person making such transfer, shall extend, or be construed to extend, to any purchase of any estate or interest in lands, tenements, or hereditaments, or any transfer of any stock, to be made really and *bona fide* for a full and valuable consideration actually paid at or before the making such conveyance or transfer without fraud or collusion.

III. And be it further enacted by the authority aforesaid, That all gifts, grants, conveyances, appointments, assurances, transfers, and settlements whatsoever, of any lands, tenements, or other hereditaments, or of any estate or interest therein, or of any charge or incumbrance affecting or to affect any lands, tenements, or hereditaments, or of any stock, money, goods, chattels, or other personal estate, or securities for money to be laid out or disposed of in the purchase of any lands, tenements, or hereditaments, or of any estate or interest therein, or of any charge or incumbrance affecting or to affect the same, to or in trust for any charitable uses whatsoever, which shall at any time, from and after the said twenty fourth day of *June*, one thousand seven hundred and thirty six, be made in any other manner or form than by this act is directed and appointed, shall be absolutely, and to all intents and purposes, null and void.

IV. Provided always, That this act shall not extend, or be construed to extend, to make void the dispositions of any lands, tenements, or hereditaments, or of any personal estate to be laid out in the purchase of any lands, tenements, or hereditaments, which shall be made in any other manner or form than by this act is directed, to or in trust for either of the two universities within that part of *Great Britain* called *England*, or any of the colleges or houses of learning within either of the said universities, or to or in trust for the colleges of *Eton*, *Winchester*, or *Westminster*, or any or either of them, for the better support and maintenance of the scholars only upon the foundations of the said colleges of *Eton*, *Winchester*, and *Westminster*.

V. Provided nevertheless, and be it enacted by the authority aforesaid, That no such college or house of learning, which doth or shall hold or enjoy so many advowsons of ecclesiastical benefices as are or shall be equal in number to one moiety of the fellows or persons usually stiled or reputed as fellows, or, where there are or shall be no fellows or persons usually stiled or reputed as fellows, to one moiety of the students upon the foundation, whereof any such college or house of learning doth or may by the present constitution of such college or house of learning consist, shall from and after the twenty fourth day of *June*, one thousand seven hundred and thirty six, be capable of purchasing acquiring, receiving, taking, holding or enjoying any other advowsons of ecclesiastical benefices by any means whatsoever; the advowsons of such ecclesiastical benefices as are annexed to, or given for the benefit or better support of, the headships of any of the said colleges or houses of learning, not being computed in the number of advowsons hereby limited.

Gifts, &c.

made after

24 June, 1736,

otherwise than

directed by

this act, to be

absolutely

void.

Sir William

Asburnham

et al. v. Brad-

shaw et al. 4.

Dec. 1739. by

the judges at

Serjeant's Inn.

Soresbery, v.

Hollings,

6 Aug. 1740.

in Chan.

The attorney-

general, v.

Greaves, 21

Nov. 1752.

But not to pre-

judice the 2

universities, or

the colleges of

Eton, *Win-*

chester, or

Westminster.

No college to

hold more ad-

vowsons than

shall be equal

to 1 moiety of

their fellows,

&c.

This act not
to extend to
estates in
Scotland.

VI. Provided always, That nothing in this act contained shall extend or be construed to extend to the disposition, grant, or settlement of any estate, real or personal, lying or being within that part of *Great Britain* called *Scotland*.

C A P. XXXVII.

An act for further encouraging and regulating the manufacture of British sail cloth, and for the more effectual securing the duties now payable on foreign sail cloth imported into this kingdom.

Preamble.

WHEREAS the making of sail cloth in Great Britain hath been found of great use and benefit to this nation, by having given a comfortable support and maintenance to many of his Majesty's subjects employed in the manufacturing thereof; and there is reason to believe, that if the duties payable on foreign made sail cloth imported into this kingdom were more effectually secured and enforced, and a further encouragement given to the making of sail cloth therein, this manufacture would be greatly improved, and many more of his Majesty's subjects comfortably supported and maintained by the same; therefore may it please your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of *June*, in the year of our Lord one thousand seven hundred and thirty six, all foreign made sail cloth or canvas usually entered as hollands duck, or vitry canvas, which shall be fit and proper to be made use of for the making of sails for navigating ships and vessels, and which shall be imported into *Great Britain* by way of merchandize, and for which any duties have been granted, or are made payable, or which ought to be paid to his Majesty, shall be stamped at the time of landing thereof at or in the port or place where the same shall be imported or landed, as hereafter mentioned.

After 24 June, 1736, all foreign made sail cloth imported as merchandize, to be stamped at the port of landing.

Commissioners of the customs to provide the stamps.

II. And be it further enacted by the authority aforesaid, That the commissioners of the customs in *Great Britain* shall, on or before the said twenty fourth day of *June*, one thousand seven hundred and thirty six, provide or cause to be provided such or so many stamps, with which all the said imported foreign made sail cloth or canvas, upon or after the duty paid, shall be stamped; and shall for that purpose cause such respective stamps to be distributed to the respective proper officers of the customs of all and every the port and ports where such foreign made sail cloth or canvas shall be imported or landed; which said officers are hereby enjoined and required to stamp every such piece and parcel of foreign made sail cloth or canvas, which said stamp shall express or denote the place or country from whence the said foreign made cloth or canvas was imported; and the said commissioners in providing the said stamps for the purposes aforesaid shall take care that they be so contrived, that the impression

tion thereof may be durable, and so as the same may be the least liable to be forged or counterfeited; and that the said stamps shall or may be altered or renewed from time to time as his Majesty, his heirs or successors shall think fit; and if any person or persons whatsoever shall at any time or times from and after the said twenty fourth day of *June*, one thousand seven hundred and thirty six, counterfeit or forge any stamp which shall be provided or made in pursuance of this act for the purposes aforesaid, or shall counterfeit or resemble the impression of the same upon any of the said foreign made sail cloth or canvas chargeable with any duty by virtue of any act or acts of parliament made on that behalf, thereby to defraud his Majesty, his heirs or successors, of any of the said duties thereby granted; then every such person so offending, and duly convicted thereof, shall forfeit the sum of fifty pounds; and if any person or persons shall at any time or times after the said twenty fourth day of *June*, one thousand seven hundred and thirty six, sell or expose to sale any such foreign made sail cloth or canvas with a counterfeit stamp thereon, knowing the same to be counterfeit, and with an intent to defraud his Majesty, his heirs and successors, all and every such offender and offenders, being duly convicted thereof as aforesaid, shall forfeit the sum of fifty pounds.

sol. penalty
on counter-
feiting the
stamps,

or selling with
a counterfeit
stamp.

III. And, for the better ascertaining and distinguishing the sail cloth of the *British* manufacture from such foreign sail cloth as aforesaid, be it enacted by the authority aforesaid, That every manufacturer or maker of sail cloth in *Great Britain* shall, from and after the twenty ninth day of *September*, one thousand seven hundred and thirty six, affix or impress, or cause to be affixed or impressed, on every piece of sail cloth by him manufactured or made, a stamp containing the name and place of abode of such manufacturer or maker, in plain distinct letters and words at length; and if any manufacturer or maker of sail cloth or other person shall sell or expose to sale, or work up into sails, any piece or bolt of *British* sail cloth without being stamped as aforesaid, such manufacturer or maker or other person so offending, and being thereof lawfully convicted upon the oath of one or more credible witnesses or witnesses, before any one or more justice or justices of the peace for the county, city, or town, where the said offence shall be committed (which oath the said justice or justices is and are hereby impowered and required to administer) shall forfeit the sum of ten pounds for each and every piece of sail cloth by him or them sold or exposed to sale, or worked up into sails, not being stamped as aforesaid; and if any person or persons whatsoever shall wilfully or maliciously cut off, destroy, or obliterate any stamp so affixed or impressed as aforesaid (except in the tarring or working up of the same) or shall affix or impress any stamp, on which shall be stamped the name or place of abode of any other person or persons, and not his or their real name or names and place or places of abode; such person or persons being convicted of any of the offences

After 29 Sep.
1736, makers
of British sail
cloth to stamp
their names,
and places of
abode on eve-
ry piece,

on penalty of
10l. for each
piece.
5l. penalty on
wilfully obli-
terating the
stamp.
or affixing an-
other person's
stamp.

offences aforesaid shall for every such offence forfeit the sum of five pounds; which said last mentioned forfeiture shall be levied and recovered by distress and sale of the offender's goods and chattels, by warrant or warrants under the hands and seals of two or more justices of the peace of the county, riding, city, or place, where the offence shall be committed, and shall go and be applied to the use of the informer or informers.

50l. Penalty on every ship built in Great Britain, or British plantations in America, not having a compleat set of sails of British sail cloth.

IV. And for the better encouraging the use and consumption of the said manufacture of *British* sail cloth, be it enacted by the authority aforesaid, That from and after the said twenty ninth day of *September*, one thousand seven hundred and thirty six, every ship or vessel which shall be built in *Great Britain*, and from and after the twenty fifth day of *December*, one thousand seven hundred and thirty six, every ship or vessel which shall be built in any of his Majesty's plantations in *America*, shall upon her first setting out or being first navigated at sea have or be furnished with one full and compleat set of sails made up of sail cloth manufactured in *Great Britain*; and in case such ship or vessel shall not on her first setting out be fitted and furnished as aforesaid, that then and for every such neglect or default the master of such ship or vessel shall forfeit the sum of fifty pounds.

20l. penalty on working up foreign made sail cloth not stamped.

V. And it is hereby enacted by the authority aforesaid, That from and after the said twenty ninth day of *September*, one thousand seven hundred and thirty six, no sail maker or other person in this kingdom shall make or work up into sails or tarpaulins any foreign made sail cloth or canvas, which shall be imported after the said twenty fourth day of *June*, not stamped according to the directions of this act; and in case any sail maker or any other person shall make or work up into sails or tarpaulins any foreign made sail cloth or canvas, other than as aforesaid, such sails and tarpaulins shall be forfeited, and such sail maker or such other person shall likewise forfeit the sum of twenty pounds.

The dimensions and weight of British made sail cloth, after 19 Sept. 1736.

VI. And be it enacted by the authority aforesaid, That from and after the twenty ninth day of *September*, which shall be in the year of our Lord one thousand seven hundred and thirty six, all sail cloth which shall be made in *Great Britain*, shall be made and manufactured in the manner and according to the directions herein after mentioned; that is to say, every piece or bolt of *British* sail cloth that shall be twenty four inches in breadth and thirty eight yards in length, shall respectively weigh according to the respective numbers and weights hereafter mentioned; that is to say,

Number	1	—	—	—	44	} Pounds each bolt.
	2	—	—	—	41	
	3	—	—	—	38	
	4	—	—	—	35	
	5	—	—	—	32	
	6	—	—	—	29	
	7	—	—	—	24	
	8	—	—	—	21	
	9	—	—	—	18	
	10	—	—	—	15	

VII. And in case any piece or bolt of any or either of such respective numbers, kinds, or sorts of *British* sail cloth, shall be made of a different breadth or length than before mentioned; such piece or bolt of *British* sail cloth shall be increased or diminished in weight in proportion to the difference in such length or breadth as aforesaid, and shall be marked or stamped with such respective number as shall be agreeable to the weight thereof; and the wharp or chain of each and every piece or bolt of the first six numbers of such *British* sail cloth; that is to say, from number 1. to number 6. inclusive, shall be wholly wrought and made of double yarn, and shall contain in every piece or bolt of such sail cloth, that shall be twenty four inches in breadth, at least five hundred and sixty double threads of yarn, and in every piece or bolt of such sail cloth that shall be thirty inches in breadth at least seven hundred double threads of yarn; and in every piece or bolt of such sail cloth that shall be of any other breadths than as aforesaid, a certain number or quantity of double threads of yarn in proportion to the number of double threads of yarn expressed to be contained in the breadth as aforesaid; and the wharp and shoot yarn which shall be wrought in every piece or bolt of the first four numbers of such sail cloth; that is to say, from number 1. to number 4. inclusive, shall be made of long flax, without any mixture of short or barr flax, or of long flax, or *Italian* hemp or *Braack* hemp; and all the flax and hemp that shall be used in making the wharp and shoot yarn of such sail cloth of the aforesaid four numbers, shall be of a strong staple, fresh, sound, and good in its kind, and well dressed; and the said yarn shall be well cleansed, even spun, and well twisted; and all the shoot yarn of each piece or bolt of such sail cloth of the aforesaid four numbers shall be full as strong as the wharp yarn, and close struck with four shoots of treble threads at the distance of every two feet, or thereabouts; and both the wharp and shoot yarn shall be as strong as the wharp and shoot yarn that are usually wrought in the sail cloth of those four numbers that are made for and used in his Majesty's navy; and no flax yarn used or wrought in any *British* sail cloth shall be whitened with lime, on forfeiture of six pence per yard for every yard of *British* sail cloth that shall, from and after the said twenty ninth day of September, one thousand seven hundred and thirty-six, be so whitened with lime as aforesaid, or be

6d. per yard
penalty on
whitening
flax yarn for
sail cloth with
lime.

be made, fold, or worked up into new sails in *Great Britain*, any ways essentially different, lighter, or inferior in strength or goodness to any of the aforesaid directions or restrictions.

VIII. And for the better observance of this act, and the several matters and things herein before directed and required by all persons concerned in the said *British* manufacture of sail cloth, it is hereby enacted by the authority aforesaid, That every sail maker in this kingdom, and all and every other person or persons who shall make or work up sail cloth into sails or tarpawlins, shall cause this act, or an abstract thereof, to be put up or affixed, and there to continue from time to time so put up and affixed, in some publick part or place of the loft, shop, warehouse, or workhouse where his said trade is carried on, or his workmen employed, under the penalty of forty shillings.

IX. And it is hereby further enacted by the authority aforesaid, That the several penalties and forfeitures herein before enacted and imposed on persons offending contrary to this act (not otherwise directed and applied) shall and may be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record in *Great Britain*, or in such of his Majesty's plantations wherein such offence shall be committed; in which suit no essoin, protection, wager of law, or more than one imparlance shall be allowed; which said forfeitures shall be applied, one moiety thereof to his Majesty, his heirs and successors, and the other moiety thereof to the person who shall sue for the same.

X. And be it further enacted by the authority aforesaid, That this act shall continue and be in force for the term of five years, to commence from the twenty fourth day of *June*, one thousand seven hundred and thirty six, and from thence to the end of the then next session of parliament, and no longer.

C A P. XXXVIII.

An act to explain and amend so much of an act made in the second year of his present Majesty's reign, intituled, An act for the more effectual preventing bribery and corruption in the elections of members to serve in parliament, as relates to the commencing and carrying on of prosecutions grounded upon the said act.

Preamble, reciting the act
3 Geo. 2. c. 24.

WHEREAS by an act of parliament made in the second year of the reign of his present Majesty, intituled, An act for the more effectual preventing bribery and corruption in the elections of members to serve in parliament, it is enacted, That no person shall be made liable to any incapacity, disability, forfeiture, or penalty by the said act laid or imposed, unless prosecution be commenced within two years after such incapacity, disability, forfeiture, or penalty shall be incurred, or in case of a prosecution the same be carried on without wilful delay: and whereas prosecutions may have been or may be commenced against persons offending against the said act, by suing out original or other writs or processes against such persons so offending within

This act, or an abstract of it, to be put up in shops and warehouses,

on penalty of 40s.

Penalties how to be recovered and distributed,

Continuance. Farther continued by 24 Geo. 2. c. 52.

within two years after the incurring any incapacity, disability, forfeiture, or penalty laid or imposed by the said act, and persons so suing out such original or other writs or processes may have delayed, or may delay, to serve the same, without giving the persons against whom such original or other writs or processes may have been or may be sued out, any notice thereof, by reason of which practice the said provision for limiting the time for the prosecution of persons offending against the said act is or may be evaded; now for explaining and amending the said provision, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That no person shall be made liable to any incapacity, disability, forfeiture, or penalty by the said act laid or imposed, unless such person has been or shall be actually and legally arrested, summoned, or otherwise served with any such original or other writ or process within the space of two years after any offence against the said act has been or shall be committed, so as the service of any such original or other writ or process hath not been or shall not be prevented by such person absconding, or withdrawing out of this kingdom,

No person liable to any penalty by the said act, unless personally served with the process in two years after the fact.

CAP. XXXIX.

An act for making more effectual two acts of parliament, one of the tenth year of the reign of her late majesty Queen Anne, and the other of the seventh year of the reign of his late majesty King George the first, for repairing the road from Highgate Gate-house in the county of Middlesex, to Barnet Block-house in the county of Hertford; and the road from the Bear Inn in Hadley, to the Angel in Endfield Chace; and for amending Cane-wood lane, leading from Highgate to Hampstead in the said county of Middlesex.

The tolls are further continued for 21 years.

Anno decimo GEORGII II. Regis.

AT the parliament begun and holden at Westminster, the fourteenth day of January, Anno Dom. 1734, in the eighth year of the reign of our sovereign lord GEORGE the Second, by the Grace of God, of Great Britain, France, and Ireland, King, defender of the faith, &c. And from thence continued by several prorogations to the first day of February, 1736 (a). Being the third session of this present parliament.

(a) In recordo, tent primo die Febr. anno regni, &c. decimo; continuat. usque ad et in Jovis octavum diem Decembris, anno, &c. undecimo.

CAP. I.

An act for continuing the duties upon malt, mum, cyder and perry, in that part of Great Britain called England; and for granting to his Majesty certain duties upon malt, mum, cyder and perry, in that part of Great Britain called Scotland; for the service of the year one thousand seven hundred and thirty seven. E X P.

CAP. II.

An act for punishing mutiny and desertion; and for the better payment of the army and their quarters. E X P.

CAP. III.

An act for granting an aid to his Majesty by a land tax to be raised in Great Britain, for the service of the year one thousand seven hundred and thirty seven. E X P. 2s. in the pound.

CAP. IV.

An act for continuing an act passed in the fifth year of the reign of his late Majesty king George the first, intituled, An act for laying a duty of two pennies Scots or one sixth part of a penny Sterling, upon every pint of ale or beer that shall be vended or sold within the town of Dunbar, for improving and preserving the harbour, and repairing the town house, and building a school, and other publick buildings there, and for supplying the said town with fresh water.

Preamble, re-
citing the act
5 Geo. 1.
c. 16.

WHEREAS by an act passed in the fifth year of the reign of his late majesty King George the First, intituled, An act for laying a duty of two pennies Scots or one sixth part of a penny Sterling, upon every pint of ale or beer that shall be vended or sold within the town of Dunbar, for improving and preserving the harbour, and repairing the town house, and building a school, and other publick buildings there, and for supplying the said town with fresh water; it was enacted, That from and after the first day of June, one thousand seven hundred and nineteen, for the term of nineteen years, and to the end of the then next session of parliament, there should be laid an imposition or a duty of two penny Scots or one sixth part of a penny Sterling, over and above the duty of excise paid or payable to his then Majesty, his heirs and successors, upon every Scots pint of ale and beer that should be for sale, either brewed, brought in, vended, tapt, or sold within the said town, and privileges thereof; and that the said imposition or duty should be paid and made payable by the brewers, vintners, sellers, and tapsters of the said ale and beer, for and during the term aforesaid, to the magistrates and town council, and their successors in office for the time being, and their assigns or collectors, for the uses and purposes mentioned in the said act: And whereas the said imposition or duty has been of very great use to the said town, by enabling them to carry on many and considerable publick works, for which the annual revenue of the said town was not sufficient: and whereas the money arising from the imposition or duty so laid and granted by the said act, was intended to be laid out to defray

defray the expence of digging up part of the rock at the bottom of the harbour, and in carrying out the great pier to the rock called the Beacon Rock, and in cutting the slope of the island down to a perpendicular, in order to make and render the entry into the said harbour more safe and secure, and in supplying the town with fresh water; but neither of the said works are yet so much as begun, and the revenue of the said town, and also the said duty granted by the said act, are very much incumbered and burthened by the works already done, insomuch that in the year one thousand seven hundred and thirty four, the debts of the said town amounted to six hundred pounds Sterling, or thereabouts; and the said recited act expiring in the year one thousand seven hundred and thirty eight, the respective works directed to be done by the said act for the service of the said town, and for the public good, must remain unfinished, and what has already been done will soon go to decay, unless the term and powers granted and given by the said former act be enlarged, &c.

The duty is further continued for 25 years

CAP. V.

An act for enlarging the term granted by an act passed in the Twelfth ^{12 Geo. 1.} year of the reign of his late majesty King George the First, intituled, ^{c. 14.} an act for repairing several roads therein mentioned, leading into the city of Worcester; and for repairing several other roads lying contiguous to the same; and for reducing the toll or duties granted on sheep and lambs by the said act.

The tolls are farther continued for 21 years, and to the end of the next session of parliament.

CAP. VI.

An act for the better repairing and paving the highways, streets, and watercourses within the city of New Sarum, and for enlightning the streets, lanes, and passages, and better regulating the nightly watch within the said city.

WHEREAS the city of New Sarum in the county of Wilts, is a city of considerable trade in the woollen manufacture, and is very populous, wherein several fairs, and the assizes for the said county, are kept and held yearly, and through which the main Western road from the city of London to Exeter, Cornwall, and the towns and places adjacent, directly leads, which, together with the pleasant situation of the place and country thereabout, occasions great numbers of gentry and other persons to resort to, and reside in the said city: and whereas the streets, highways, bridges, and watercourses, within the said city, are so very much out of repair, that the inhabitants thereof cannot by the laws now in being (for the repairing the highways) raise money sufficient for amending the same; nor can the said laws be put in execution without great hardships to the poorer sort of inhabitants there: and whereas the cleansing the streets and watercourses, the enlightning the streets, and keeping a strong and well regulated watch in the night-time, within the said city, will be of great importance, and tend to the preservation of the persons and properties of the inhabitants thereof, and other persons resorting thereto;

Now

now to the end that provision may be made to answer the good purposes aforesaid, may it please your most excellent Majesty, that it may be enacted, &c.

Trustees to be chosen. Watchmen, lamplighter, and scavenger appointed. Inhabitants to clean before their houses twice a week; and to throw no filth into the streets, &c. on forfeiture of 1s. Trustees to have the ordering of lamps, and watchmen. Copy of orders to be delivered to the sub-constables. Money lent for carrying on the works to be repaid out of the rates. Collectors to give an account upon oath of the monies received, and pay it unto persons appointed, otherwise to be imprisoned. The mayor to have the property of the lamps. Inhabitants not rated, to do 3 days work, or forfeit 1s. 6d. per day. Trustees to appoint a clerk who is to summon the trustees. Payers of the rates not liable to watch. This act not to affect the bishop of Salisbury, nor to affect any hamlet or tything out of the city.

C A P. VII.

An act for continuing an act passed in the third year of the reign of his late majesty King George the First, For laying a duty of two pennies Scots, or one sixth part of a penny sterling, on every pint of ale or beer that shall be vended or sold within the town of Dumfries, and privileges thereof, for paying the debts of the said town, and for building a church, and making a harbour there; and for laying a duty on the tonnage of shipping, and a duty on goods imported and exported into and out of the port of the said town, for the better repairing of the said barbour.

Preamble, reciting the act
3 Geo. I. c. 6.

WHEREAS by an act passed in the third year of the reign of his late majesty King George the First, intituled, An act for laying a duty of two pennies Scots, or one sixth part of a penny sterling, upon every pint of ale or beer that shall be vended or sold within the town of Dumfries, and privileges thereof, for paying the debts of the said town, and for building a church; and making a harbour there, it was enacted, That from and after the first day of July, one thousand seven hundred and seventeen, for the term of nineteen years, and to the end of the then next session of parliament, there should be laid an imposition or duty of two pennies Scots, or the sixth part of a penny sterling, over and above the duty of excise paid or payable to his then Majesty, his heirs and successors, upon every Scots pint of ale and beer that should be either brewed, brought in, or vended, tapt, or sold within the said town, and privileges thereof; and that the said duty should be paid and made payable by the brewers, vintners, sellers, and tapsters of the said ale and beer, for and during the time aforesaid to the magistrates and town council of the said town, and their successors in office for the time being, and their assigns and collectors, for the uses mentioned in the said act: and whereas the magistrates and town council of the said town of Dumfries did by virtue of the powers granted to them, borrow at interest a considerable sum of money, and have therewith built a commodious church for performing of divine service, and endowed the same with a main-

maintenance for a minister : and whereas there remains unpaid a considerable part of the debts owing by the said town before the passing of the said recited act, which were thereby directed to be paid, besides other large debts which have been contracted since : and whereas the other revenues of the said town have been of late much exhausted in rebuilding part of their old church, the council house, and prison, all which were become ruinous, and the whole revenue of the said town is not now sufficient to pay the interest of the said debts so owing by the said town, and to defray their other expences, which will be increased by the unavoidable necessity of rebuilding their publick school house, repairing their other decayed works, and improving the navigation of their river, now become so dangerous that their trade of late years has greatly suffered thereby : and forasmuch as the term granted by the said recited act doth expire at the end of this present session of parliament, so that the respective works directed to be done thereby for the service of the said town, and for the publick good, must remain unfinished, and what has been already done must soon fall to decay, unless the term granted by the said former act be continued, and some further aid be given to the said burgh for cleansing and repairing their harbour, &c.

The duty is further continued for 25 years.

C A P. VIII.

An act to make perpetual an act made in the seventh year of the reign of his present Majesty, intituled, An act to prevent the infamous practice of stock-jobbing.

WHEREAS an act was passed in the seventh year of his present Majesty's reign, intituled, An act to prevent the infamous practice of stock-jobbing ; which act was to continue and be in force from the first day of June one thousand seven hundred and thirty four, for the term of three years, and from thence to the end of the then next session of parliament, and no longer : and whereas the said act hath been found useful and beneficial, and will in a short time expire, be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said act shall be, and is hereby made perpetual.

Preamble, reciting the act 7 Geo. 2. c. 8.

which is made perpetual.

C A P. IX.

An act for making navigable the river or brook, called Worley brook, from Worley mill in the township of Worley, in the county palatine of Lancaster, to the river Irwell in the said county.

WHEREAS the making and keeping the river or brook called Worley brook, in the county palatine of Lancaster, navigable and passable for boats, barges, lighters, and other vessels, from Worley mill, in the said county of Lancaster, to the river Irwell, in the said county of Lancaster, will be very beneficial to trade, advantage.

Preamble.

vantageous to the poor, and convenient for the carriage of coals, stone, timber, and other goods, wares, and merchandizes, to and from the said places and parts adjacent, and will very much tend to the employing and increase of watermen and seamen, and be a means to preserve the highways; may it therefore please your most excellent Majesty that it may be enacted, &c.

Undertakers appointed, with power of doing any thing necessary for the purposes of this act, at their own charge. Undertakers to make satisfaction for damages. Flood-gates for overflowing of grounds to be made. Commissioners appointed for determining differences. If persons decline such determination, and do not agree with the undertakers, a jury is to be impanelled to assess damages, and the commissioners to give judgment accordingly, which shall be final. Proceedings to be kept among the records of quarter sessions of Lancaster. Duties to be paid to the undertakers for goods, not exceeding 9 d. per ton. Conveniences of gates, &c. belonging to occupiers of lands, &c. to be preserved, at the undertakers charge. If the level of the water be raised, the banks must be so too, and kept in repair. Flood-gates to be made for the benefit of contiguous grounds. The brook declared navigable. Royalties not affected by this act. No duty payable for manure for grounds within 4 miles from the river. The brook not to be under the survey of any commission of sewers. Locks to be opened to pleasure boats, &c. without any duty.

CAP. X.

An act to empower the justices of the peace for the county of Bucks, to raise money to discharge the debts incurred on account of building a gaol and court rooms, and for finishing the same for the use of the county.

WHEREAS for want of a convenient common gaol for the county of Bucks (which is large and populous) a house in the town of Aylesbury, being a market town and situate near the middle of the said county, was for many years rented and used for that purpose, and the same becoming insufficient for the safe keeping of prisoners, the grand jury at the assizes held for the said county presented the same; whereupon the justices of the peace assembled at their general quarter sessions agreed and ordered, that a public county gaol should be built at Aylesbury aforesaid, and that the said house so rented and used, with the ground and soil thereto belonging, should be purchased (being most commodiously and conveniently situated for that purpose) and that a gaol and court rooms or shire hall for the public service of the said county should be thereon erected, which said house, ground, and soil have been purchased accordingly, and the freehold and inheritance thereof has been conveyed to trustees for the use of the said county, and in order for raising money to pay for the said purchase, and also for defraying the necessary charges of such buildings for the purposes aforesaid, several assessments were made by the said justices at their quarter sessions, to be raised and paid by the said county, and a very considerable progress hath been made in such buildings, but the same not having been perfected and finished, the said buildings have not only thereby sustained great damage, but the greatest part thereof remains unserviceable: and whereas several sums of money are justly due to several workmen, poor labourers, and others who were employed in and furnished materials for the said buildings, for want of which mo-

ney they and their families are much impoverished; and a further sum is also wanting, and necessary to finish and compleat the said buildings for the use and accommodation of the said county, all which monies cannot be raised without the assistance of parliament; be it therefore enacted, &c.

Justices of peace, after 24 June, 1737, to make a general assessment in *Om. Bucks.* not exceeding 4d. in the pound, to be collected by the constables. The ground and buildings thereon the property of the county. Justices to contract with builders, &c. Surplus to be paid into the public stock. Town of Buckingham exempted from the rates. Persons aggrieved are to appeal to the justices.

CAP. XI.

An act for making more effectual two acts of parliament, one of the sixth year of the reign of her late majesty Queen Anne, and the other of the eleventh year of the reign of his late majesty King George, for repairing the highways from Old Stratford in the county of Northampton to Dunchurch in the county of Warwick.

The tolls are farther continued for 21 Years. 13 Geo. 2 c. 5.

CAP. XII.

An act for repairing the road from Hertford Bridge Hill, to the town of Basingstoke, and also the road from Hertford Bridge Hill aforesaid, to the town of Odiham in the county of Southampton.

Certain tolls are granted for 21 years, from 1 June, 1737. Continued by 21 Geo. 2. c. 16.

CAP. XIII.

An act for indemnifying persons who have omitted to qualify themselves for offices, or to take the oaths required within the time limited by law, and for allowing further time for those purposes. EXP.

CAP. XIV.

An act for collecting at the port of Leghorn certain small sums of money, to which the merchants trading there have usually contributed, for the relief of shipwrecked mariners, captives, and other distressed persons, his majesty's subjects, and for other charitable and publick uses.

WHEREAS it was usual for the consul appointed for his Majesty's subjects trading to Leghorn, with the majority of the British merchants and factors residing there, to receive certain small sums, not exceeding one livre per ton on all tonnage goods, and one third of a livre per bale or parcel on all bale goods, imported in British ships or vessels; which sums were received by persons annually chose as treasurers for that purpose, and applied for the relief of mariners shipwrecked and taken in war, and other distressed persons his Majesty's subjects, and to such other charitable and publick uses, as were directed by the said consul, with the majority of the said merchants and factors: and whereas notwithstanding the benefit and usefulness of this design had been experienced, yet the payment of the said customary sums hath of late years not been complied with, there being no authority to enforce such compliance; by reason whereof several of his majesty's subjects in distress have been reduced to great extremities for want of the assistance which they otherwise would have received, bad

Preamble.

bad such contribution been continued: therefore to promote such good intentions, and to continue the said contributions for the same; may it please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the twenty ninth day of *September*, which shall be in the year of our Lord one thousand seven hundred and thirty seven, it shall be lawful to and for such person or persons as shall be appointed by the consul named for his Majesty's subjects trading to the said port of *Leghorn*, for the time being, together with the majority of the British merchants and factors there, to receive and recover from all masters or other chief officers and commanders of all *British* or *Irish* ships or vessels trading from *Great Britain* or *Ireland*, or any other part of his Majesty's dominions, to the said port, any sum or sums of money, not exceeding one livre *per* ton on all tonnage goods imported into the said port in such ships and vessels; and on all bale goods any sum or sums of money, not exceeding one third of a livre *per* bale or parcel; and all bills of lading of such ships and vessels, shall specify to pay the said monies accordingly, under the denomination of *contribution*, as by act of *parliament*, or to that effect; and the persons paying the same shall be reimbursed by their respective freighters, or by the persons to whom the said goods and merchandizes shall be consigned, or who shall receive the same; and in case the master or commander of such ship or vessel shall neglect to specify the payment of the said monies in the bill or bills of lading as aforesaid, he shall be answerable for the same; and in case no bill of lading shall appear, or no tonnage be settled between the owner or owners of the goods, and the master or commander of any *British* or *Irish* ship or vessel trading as aforesaid, then the tonnage of such goods or merchandize shall be valued by two indifferent *British* merchants on the place, one to be appointed by the consul, and the other by the master or commander of such ships or vessels, within ten days next after the unloading of the said goods; and in case the two persons so chosen shall not agree and award the same in three days next after such appointment, such two persons shall then choose a third person, being a *British* merchant on the place, as an umpire, who shall decide and determine the said valuation of tonnage in three days; and such sums shall be paid in such case for the purposes aforesaid, as shall be agreeable to this act.

II. And be it enacted by the authority aforesaid, That all masters, commanders, or other chief officers of all *British* or *Irish* ships or vessels trading from *Great Britain* or *Ireland*, or any other part of his Majesty's dominions, to the port of *Leghorn*, and unloading and delivering the ship or vessel, or any part of the cargo there, shall, within ten days after the arrival of such ship or vessel deliver to the consul residing there, or to such other person or persons as shall be appointed for that purpose

British or Irish ships trading to Leghorn, to pay for goods imported there one third of a livre *per* ton or bale; to be specified in bills of lading, and allowed by freighters or receivers of the said goods.

Goods to be valued, where there is no bill of lading.

A manifest of every vessel's cargo to be given upon oath.

pose by him, a true manifest in writing upon oath, specifying the particulars of the whole cargo of such ships or vessels so unloaded or delivered, or such part thereof as shall be unloaded or delivered there, and to whom consigned; which oath such consul, or other person or persons to be appointed by him, is and are hereby respectively impowered and required to administer *gratis*.

III. And for the better collecting the said money herein before directed to be paid for the charitable and other publick uses aforesaid, be it enacted, That the said consul, or other person or persons appointed by him, in the said port of *Leghorn*, shall, and they are hereby respectively authorized and required to detain the clearances outward of all *British* or *Irish* ships and vessels, and not give or deliver any dispatch or bill of health for any such ship or vessel; until payment be made as aforesaid; and in case the master or commander of such ship or vessel, in order to avoid the payment of the said monies, shall at any time think proper to depart without his said clearances outward, then and in such case the consul shall, upon the return of the said master or commander to any port of his Majesty's dominions, have a just action at law against him for all the money which by virtue of this act ought to have been paid.

Vessels not to be discharged till payment of the duties be made.

IV. And be it further enacted, That all monies to be raised or received as aforesaid, shall be applied in the manner hereafter mentioned; that is to say, to the succour and relief of mariners shipwrecked, and taken in war, and other distressed persons his Majesty's subjects, and to such other charitable and publick uses, as shall from time to time be appointed by the consul for the time being, with the majority of the *British* merchants and factors residing at the said port of *Leghorn*.

Application of the monies.

V. And be it enacted by the authority aforesaid, That the consul for the time being, appointed for his Majesty's subjects trading to the port of *Leghorn*, shall from time to time, as he shall see occasion for effecting the purposes of this act, call and summon a general meeting of the *British* merchants and factors residing at the said port; and he is hereby obliged and required from time to time to call and summon general meetings or assemblies, as often as he shall be desired by writing under the hands of any five or more of the *British* merchants or factors aforesaid; and the majority at such meetings or assemblies shall from time to time order and determine all matters and things relating to the premises.

The consul to summon meetings of the merchants and factors.

VI. And be it enacted by the authority aforesaid, That this act shall be esteemed and taken in all courts of justice and elsewhere to be a publick act, and shall be taken notice of as such, without specially pleading the same; and if any action shall be brought, or suit commenced, against any person or persons for any thing done in pursuance of this act, or in relation to the premises, the defendant or defendants in such action may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon, and that the same was

Publick act.

General issue.

done in pursuance and by the authority of the said act; and if the same shall appear to have been so done, then the jury shall find for the defendant or defendants; or if the plaintiff or plaintiffs shall become nonsuited, or suffer a discontinuance of his, her, or their action or actions, or if a verdict shall pass against the plaintiff or plaintiffs, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have full costs, and shall have such remedy for the same, as any defendant or defendants hath or have for costs in other cases by law.

Full costs.

CAP. XV.

An act to enable the present and future proprietors and inhabitants of the houses in Red Lion Square, in the county of Middlesex, to make a rate on themselves, for raising money sufficient to inclose, pave, watch, clean, and adorn the said square.

Preamble.

WHEREAS the square called Red Lion Square, in the parish of Saint George the Martyr, in the county of Middlesex, hath for some time past lain in great disorder, and the pales which inclose the area thereof are so ruinous, that the said area is become a receptacle for rubbish, dirt, and nastiness of all kinds, and an encouragement to common beggars, vagabonds, and other disorderly persons, to resort thither for the exercise of their idle diversions and other unwarrantable purposes: to prevent all which mischiefs, and to the end the said square may be kept clean and in good order, the owners, proprietors, and inhabitants thereof, are desirous, that the said square may be inclosed, or otherwise made commodious, paved, watched, and properly adorned, and kept in good repair for the future, and are willing that an adequate contribution may for that purpose be raised by and amongst themselves; wherefore the said proprietors and inhabitants most humbly beseech your most excellent Majesty, that it may be enacted, &c.

Proprietors to meet on 15 July, in Grey's Inn, to choose trustees, who are to direct the adorning of the square. 10 s. penalty on persons annoying the square. Offender to be sent to the house of correction till he removes such nuisance. Persons gaming in, or breaking the fences of the square, shall forfeit 40 s. or be sent to the house of correction for 1 month. Trustees empowered to assess 1 s. 6 d. in the pound on the inhabitants, according to the land tax assessment for 1736. After 24 June 1737, owners to pay for untenanted houses, &c. Persons refusing to pay what they are rated at, their goods may be distrained, and if not replevied in 5 days, be appraised and sold. After 14th June 1737, the square, &c. to be deemed a distinct ward, and not liable to scavenger's rate, &c. and from that time St. Andrew's parish Holborn, discharged from cleaning it, &c. Trustees may grant annuities on 1000 l. for 32 years, after the rate of 6 l. per cent. per ann. and for one life at the rate of 8 l. per cent. per ann. Trustees may raise the monies in the way they think most proper, but shall not pay more than 4 l. per cent. per ann. Publick act.

CAP.

CAP. XVI.

An act for explaining and amending an act passed in the ninth year of the reign of his present Majesty, intituled, An act for building a bridge cross the river Thames, from the New Palace Yard in the city of Westminster, to the opposite shore in the county of Surrey.

WHEREAS an act was made in the last session of this present parliament, For building a bridge cross the river Thames, from the New Palace Yard in the city of Westminster, to the opposite shore in the county of Surrey, and certain commissioners therein named were by the said act appointed and impowered to design, officin, and lay out, how and in what manner, and with what materials, the said intended bridge should be made, erected, and built, and the ways and passages to and from the same, and to preserve and keep in repair such ways and passages, from time to time, and to make contracts, and do all matters and things for carrying on and effecting the purposes aforesaid, and to cause the same to be effectually done and perfected accordingly; and for enabling the commissioners to execute the powers, and effect the purposes of the said act, authority was given for raising a sum not exceeding six hundred and twenty five thousand pounds, by way of lottery, to be drawn within such time, and in such manner, and under such management and regulations, as in and by the said act is in that behalf ordered, directed, and prescribed; which money so to be raised, was thereby directed to be paid by the contributors to, and adventurers in, such lottery, into the bank of England, or to such cashier or cashiers, as the directors of the bank should appoint, on or before the first day of February, one thousand seven hundred and thirty six; and the residue and surplus of the money so to be advanced and contributed, after payment of the prizes in the said lottery, and the charges and expences incident to, and attending the execution of the said act, was thereby directed to be issued, paid and applied for and towards the erecting and building the said bridge, and repairing, preserving and supporting the same when built, and for other the purposes therein mentioned, as the said commissioners, or any nine or more of them, should, from time to time, direct: and whereas there was contributed and paid in on the credit of the said act, on the first day of February, one thousand seven hundred and thirty six, only the sum of forty three thousand one hundred and fifteen pounds, and the time limited and appointed by the said act for executing several of the powers and authorities thereby given, is elapsed, and thereby the same act is rendered ineffectual to answer the purposes thereby intended; wherefore to the end and intent that a design so useful to his Majesty's subjects, and the publick in general, may be effectually carried into execution; may it please your most excellent Majesty, that it may be enacted, &c.

700,000*l.* to be raised by way of lottery. The residue of the money, after payment of the fortunate tickets, to be applied towards the bridge. If

H.

sufficient

sufficient money be not raised by the methods prescribed, his Majesty may, after 29 Sept. 1737, by letters patents, incorporate the trustees. Such corporations may not take up any money payable under 6 months, or discount any bills, &c. And there shall be paid for postage, for every coach, &c. drawn by 6 horses, 2 s. by 4 horses, 1 s. 6 d. by less than 4 horses, 1 s. For every waggon, &c. drawn by 4 horses, 1 s. 6 d. and by less than 4 horses, 1 s. For every horse, &c. not drawing, 2 d. For every foot passenger on Sundays, 1 d. and on every other day, one halfpenny. For every drove of oxen, 1 s. per score. For every drove of calves, hogs, sheep, or lambs, 6 d. per score. Trustees to appoint collectors. Commissioners, when incorporated, may borrow money on credit of this act. Commissioners to determine the recompence to be made to the watermen, &c. which shall be paid within 1 month after judgment. The bridge to be built either from the New Palace Yard, or from the Horse Ferry, or thereabouts, to the opposite shore.

EXP.

CAP. XVII.

An act for repealing the present duty on sweets, and for granting a less duty thereupon; and for explaining and enforcing the execution of an act passed in the ninth year of his present Majesty's reign intituled, An act for laying a duty upon the retailers of spirituous liquors, and for licensing the retailers thereof; and for appropriating the supplies granted in this session of parliament; and for making forth duplicates of exchequer bills, lottery tickets, and orders, lost, burnt, or otherwise destroyed.

May it please your most excellent Majesty,

Preamble, re-
citing the acts
5 Annæ, c. 19.

WHEREAS by an act of parliament made and passed in the fifth year of the reign of her late majesty Queen Anne, intituled, An act for continuing the duties on low wines and spirits of the first extraction, and the duties payable by hawkers, pedlars, and petty chapmen, and part of the duties on stamped vellum, parchment, and paper, and the late duties on sweets, and the one third subsidy of tonnage and poundage, and for settling and establishing a fund thereby, and by the application of certain overplus monies, and otherwise, for payment of annuities to be sold for raising a further supply to her Majesty, for the service of the year one thousand seven hundred and seven, and other uses therein expressed; *it was (amongst other things) enacted, That there should be raised, levied, collected and paid to her Majesty, her heirs and successors, for the purposes in the said act expressed, for every barrel of sweets made, which should be for sale, from and after the four and twentieth day of March, one thousand seven hundred and six, within or during the space of ninety nine years from thence next and immediately ensuing, the sum of thirty six shillings, the same duty to be paid by the maker or makers of the said sweets; and so in proportion for any greater or lesser quantity; and by one other act made and passed in the sixth year of the reign of her said late majesty Queen Anne, intituled, An act for raising a further supply to her Majesty, for the service of the year one thousand seven hundred and eight, and other uses, by sale of annuities charged on a fund not exceeding forty thousand pounds*

6 Ann. c. 5.

per

per annum, to arise by appropriating several surplusses, and by granting farther terms in the duties on low wines, and on hawkers, pedlars, and petty chapmen, the stamp duties, the one third subsidy, the duty on sweets, and one of the branches of excise, and by making other provision in this act mentioned, it was (amongst other things) enacted, That the duty upon sweets made for sale, which by the said act of the fifth year of her said late Majesty's reign, was granted for the term of ninety nine years, commencing from the twenty fourth day of March, one thousand seven hundred and six, should be further continued, and be paid and payable to her said late Majesty, her heirs and successors, within and throughout the united kingdom of Great Britain, from and after the expiration of the term of ninety nine years last mentioned, for and during the further term of two years from thence next and immediately ensuing; and by one other act made and passed in the first year of the reign of his late majesty King George the First, intituled, An act for enlarging the fund of the governor and company of the bank of England, relating to exchequer bills, and for settling an additional revenue of one hundred and twenty thousand pounds *per annum* upon his Majesty during his life, for the service of the civil government, and for establishing a certain fund of fifty four thousand six hundred pounds *per annum*, in order to raise a sum not exceeding nine hundred and ten thousand pounds for the service of the publick, by sale of annuities after the rate of six pounds *per centum per annum*, redeemable by parliament, and for satisfying an arrear for work and materials at *Blenheim*, incurred whilst that building was carried on at the expence of her late majesty Queen Anne of blessed memory, and for other purposes therein mentioned, it was (amongst other things) enacted, That the said duty upon sweets made for sale, which by the said act of the fifth year of her said late Majesty's reign, was granted for the term of ninety nine years, from the twenty fourth day of March, one thousand seven hundred and six, and by the said act of the sixth year of her said late Majesty's reign, was continued for two years, to take effect from the expiration of the term of ninety nine years last mentioned, should have further continuance, and be paid and payable to his Majesty, his heirs and successors, for ever: and whereas all liquors made by infusion, fermentation, or otherwise, from foreign fruit or sugar, or from fruit or sugar mixed with other materials, and commonly made use of for recovering, increasing, or making of any kinds of wine or cyder, or of any liquor called wine, are declared to be sweets by an act of parliament made in the tenth and eleventh years of the reign of his late majesty King William the Third, intituled, An act for laying further duties upon sweets, and for lessening the duties as well upon vinegar, as upon certain low wines and whale fins, and the duties upon brandy imported, and for the more easy raising the duties upon leather, and for charging cinders, and for permitting the importation of pearl ashes, and for preventing the abuses in the brewing of beer and ale, and frauds in importation of tobacco; and being made for sale, are chargeable by the said act with the duty of

Geo. 1. c. 12.

10 & 11 W.
c. 21.

After 24 June, 1737, the duty of 36 s. a barrel on sweets determines,

and a duty of 12 s. a barrel imposed on all sweets or wines, made from British or foreign fruit or sugar,

which shall be managed by the commissioners of excise, &c.

thirty six shillings a barrel: and whereas some doubt has been made, whether liquors made for sale by infusion, fermentation, or otherwise, from British fruit or sugar, or from fruit or sugar mixed with other materials or ingredients, and commonly called or distinguished by the name of Made Wines, are sweets, and are chargeable with the said duty of thirty six shillings a barrel, granted and continued by the several acts before recited; and it has been found by experience, that the value and quality of such wines will not bear the said duty to be charged thereon; for obviating such doubt for the future, and for the ease of the makers of, and dealers in, such wines as aforesaid, we your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, do most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of June, one thousand seven hundred and thirty seven, the said duty of thirty six shillings a barrel on sweets, payable to his Majesty, his heirs and successors, for ever, by the several acts of parliament before recited, shall cease, determine, and be no longer paid or payable; any thing in the before mentioned acts, or any other act or acts of parliament, heretofore made to the contrary thereof in any wise notwithstanding.

II. And your Majesty's said dutiful and loyal subjects, the commons of Great Britain in parliament assembled, being desirous to raise the supply granted to your Majesty in this session of parliament, by ways the least burthenfome to your Majesty's subjects, have resolved to give and grant unto your Majesty the duty herein after mentioned; and to that end and purpose do most humbly beseech your Majesty, that it may be enacted; and be it enacted by the authority aforesaid, That from and after the said twenty fourth day of June, one thousand seven hundred and thirty seven, there shall be raised, levied, and paid to and for the use of his Majesty, his heirs and successors for ever, for every barrel of liquors made or to be made within the kingdom of Great Britain for sale, by infusion, fermentation, or otherwise, from foreign fruit or sugar, or from British fruit or sugar, or from fruit or sugar mixed with any other ingredients or materials whatsoever, commonly called *Sweets*, or called or distinguished by the name of *Made Wines*, for which no duty hath been already paid, or shall be paid on or before the said twenty fourth day of June, the sum of twelve shillings, to be paid by the maker thereof; and so in proportion for a greater or lesser quantity.

III. And be it further enacted by the authority aforesaid, That the commissioners and officers of his Majesty's revenue of excise for the time being, shall be the commissioners and officers for the receipt and management of the duty before mentioned; and all monies arising by the said duty (the necessary charges of levying and collecting the same excepted) shall, from time

time to time, be paid into the receipt of his Majesty's exchequer distinctly and apart from all other branches of the publick revenue, for the uses and purposes hereafter mentioned.

IV. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of June, every maker of the liquors aforesaid called *Sweets* or *Made Wines* for sale, shall, before he, she, or they begin to make such sweets or wines, or any of them, give notice in writing at the next office of excise, of his, her, or their name and place of abode, and of all and every the rooms and places made use of by him, her, or them, for making or keeping of sweets or made wines, on pain of forfeiting for every room or place so made use of as aforesaid without notice as aforesaid the sum of twenty pounds; and that all and every other the powers, authorities, directions, rules, methods, penalties, and forfeitures, clauses, matters, and things, which in and by an act made in the twelfth year of the reign of King Charles the Second, intituled, *An act for taking away the court of wards and liveries, and tenures in capite, and by knights service, and purveyance, and for settling a revenue upon his Majesty in lieu thereof*, or by any other law heretofore made in relation to the duties upon sweets, are provided, settled, or established, for securing, enforcing, managing, raising, levying, collecting, mitigating, or recovering, adjudging, or ascertaining the duties thereby granted, and for preventing, detecting, and punishing frauds relating thereto, shall be exercised, practised, applied, used, imposed, levied, recovered, and put in execution for the securing, enforcing, managing, raising, levying, collecting, mitigating, adjudging, ascertaining, recovering, and paying the duty hereby granted, and for preventing, detecting, and punishing frauds relating thereto, as fully and effectually to all intents and purposes, as if all and every the said powers, authorities, rules, directions, methods, penalties, and forfeitures, clauses, matters, and things were particularly repeated and again enacted in the body of this present act.

Makers of sweets or made wines shall give notice to the next office of excise of their names and places of abode, &c.

on penalty of 20 l.

the excise laws applied to this duty,

V. And be it further enacted by the authority aforesaid, That all fines, penalties, and forfeitures relating to the said duty upon sweets hereby granted, shall be sued for, recovered, levied, and mitigated by such ways, means, and methods as any fine, penalty, or forfeiture is or may be in like cases sued for, levied, recovered, and mitigated by any law or laws of excise, or by action of debt, bill, plaint, or information in any of his Majesty's courts of record at *Westminster*, or in the court of *Exchequer* in *Scotland*; and that one moiety of every such fine, penalty, and forfeiture shall be to his Majesty, his heirs and successors, and the other moiety to him or them that shall sue for the same.

Penalties and forfeitures where to be sued for, &c.

VI. Provided always, and be it further enacted by the authority aforesaid, That if any person or persons shall at any time be sued for any thing done by him or them in pursuance of this act, he or they may plead the general issue,

and recover
treble costs.

Wines of Bri-
tish growth
exempted
from this
duty.

Clause for ren-
dering more
effectual the
act of 9 Geo.
2. c. 23.

of this act, or any other act now in force relating to the duties of excise, or any other duties under the management of the commissioners of excise, he and they shall and may plead the general issue, and give this act and the said respective acts in evidence for his or their defence; and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs be nonsuited, then such defendant or defendants shall have treble costs to him or them awarded against such plaintiff or plaintiffs.

VII. Provided always, That nothing in this act contained shall extend, or be construed to extend, to charge with any duty such wine as the owners or occupiers of *British* vineyards shall make from the juice of *British* grapes only growing thereon.

VIII. *And whereas some doubts have arisen touching the method of recovering, levying, and mitigating the penalties or forfeitures imposed by an act of parliament made in the ninth year of his present Majesty's reign, intituled, An act for laying a duty upon the retailers of spirituous liquors, and for licensing the retailers thereof; now to put an end to all doubts concerning the same; be it declared and enacted by the authority aforesaid, That all penalties and forfeitures by the said act imposed, may for the future during the continuance of the said act, and from the time of the commencement of the same hitherto might, lawfully be sued for, recovered, levied, and mitigated, by such ways, means, and methods, as any penalty or forfeiture is or may be sued for, recovered, levied, or mitigated, by an act made in the twelfth year of the reign of his late Majesty King Charles the Second, intituled, An act for taking away the court of wards, and liveries, and tenures in capite, and by knights service, and purveyance, and settling a revenue upon his Majesty in lieu thereof, except as to those penalties and forfeitures, for the recovery of which any other means or methods are by the said act of the ninth year of his present Majesty directed.*

IX. *And whereas by the said act made and passed in the ninth year of his Majesty's reign, intituled, An act for laying a duty upon the retailers of spirituous liquors, and for licensing the retailers thereof, it is (amongst other things) enacted, That from and after the said twenty ninth day of September, one thousand seven hundred and thirty six, no person or persons shall hawk, sell, or expose to sale any brandy, spirituous liquors, or strong waters, by whatever name or names they are or may be called or distinguished, about the streets, highways, or fields, in any wheelbarrow or basket, or upon the water in any ship, boat, or vessel, or in any other manner whatever, or shall sell, or expose the same to sale on any bulk or bulks, stall or stalls, or in any shed or sheds, or on or in any other place or places, other than in such place or places as are in the said act mentioned or allowed, upon pain of forfeiting for every such offence the sum of ten pounds; and it shall and may be lawful to and for any one or more justice or justices of the peace for the county, riding, division, city, or liberty respectively, wherein such offence*

sence shall be committed, on his or their own view, or on confession of the party, or by proof on the oath of one or more credible witnesses or witnesses made of such offence, to convict any person or persons so offending as aforesaid; and such person or persons so offending and convicted shall immediately on such conviction pay the said sum of ten pounds into the hands of the churchwardens and overseers of the poor of the parish where such offence shall be committed, or one of them, and on such offender or offenders refusing or neglecting to pay the said sum, the justice or justices so convicting as aforesaid shall and may by warrant or warrants under his or their hand and seal, or hands and seals, commit the offender or offenders to the house of correction for the said county, city, or liberty respectively, there to remain and be kept to hard labour for the space of two months to be reckoned from the day of the said commitment, and the person or persons so committed shall not be discharged until he, she, or they shall have paid the said sum of ten pounds, or until the full expiration of the said two months, and every sum or sums of money arising from the conviction of any person or persons as aforesaid, in case there be no informer, shall be wholly applied to the use of the poor of the parish wherein the offence was committed; but if there shall be an informer, one moiety of such money shall be paid to the informer, and the other moiety shall be paid to the overseers and churchwardens as aforesaid, or one of them, and applied to the use of the poor of the parish as aforesaid: and whereas such persons as are willing and desirous of putting the said salutary law in execution, have not the encouragement which is due to them, and which they justly deserve, where the persons incurring the pecuniary penalties of the said act are not able to pay the same, but in lieu thereof are sent to the house of correction, as by the said act is directed; for remedy whereof, be it enacted by the authority aforesaid, That from and after the said twenty fourth day of June, one thousand seven hundred and thirty seven, in all such cases, as aforesaid, it shall and may be lawful for the commissioners of excise in England and Scotland respectively, to cause such rewards as aforesaid to be paid to the several and respective persons who shall appear to them to be intitled thereto as aforesaid, out of any money that shall be in their hands, or any officers belonging to them, that hath arisen or shall arise by virtue of any penalties or forfeitures incurred by the said act as aforesaid, and the money so paid shall be accepted of and allowed in their accounts, as so much money paid to his Majesty; and the said commissioners are and shall hereby be discharged thereof accordingly; and every offender convicted as aforesaid, and upon his or her refusal or neglect to pay the said penalty of ten pounds committed to the house of correction as aforesaid, shall before his or her discharge therefrom be stript naked from the middle upwards, and whipt until his or her body be bloody.

Commissioners of excise may reward persons who are intitled thereto, out of any monies in their hands, &c.

Offender convicted, and not paying the fine, shall be committed, &c.

X. Provided also, and it is hereby enacted and declared, that nothing in this act contained shall extend or be construed to enable any person or persons to sell such made wines to be drunk in his or their house or houses, unless such person or persons be first licensed by two or more of his Majesty's justices of the peace

No person to sell made wines without licence from two justices of peace, for

which he
shall pay their
clerk ss. 6d.
&c.

of the county, riding, division, city, or liberty, wherein such person or persons shall sell the said made wines, under the hands and seals of the said justices, for which licence or licences the sum of two shillings and sixpence, and no more, shall be paid to the clerks of such justices, and no fee or sum of money or other reward whatsoever to the clerk or clerks of the peace for entering the same, or on any other account, on pain of five pounds in case any of the said justices clerks, or any clerk of the peace, shall ask, receive, or demand any more or other fee or fees on account of such licences under any pretence whatsoever, and if the licence is not found and provided by the said justices clerks, then no fee whatsoever shall be due or received by them.

None to be
granted but to
keepers of
coffee-houses,
&c.

XI. Provided always, and be it further enacted, that no licence shall be granted to any person or persons whatsoever for selling by retale any made wines whatsoever, except to such persons only who shall keep public victualling-houses, inns, coffee-houses, or ale-houses; and if such licences shall be granted, the same are hereby declared void to all intents and purposes.

duty on spi-
rituous li-
quors still to
continue.

XII. Provided, that nothing in this act shall extend, or be construed to extend, to alter or take away any duty chargeable on distilled spirituous liquors, or any other liquors by the said act of parliament made in the ninth year of the reign of his present Majesty.

Clause of loan
at 3l. per cent.

XIII. And it is hereby also enacted, that there shall be provided and kept in the office of the auditor of the receipt of the exchequer one book or register, in which all the orders for money payable upon this act shall be entered and registered; and that it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to advance and lend to his Majesty at the said receipt, upon credit of the said duties by this act granted, any sum or sums of money not exceeding in the whole, the sum of five hundred thousand pounds, which lenders shall have interest for the forbearance of their respective loans, not exceeding the rate of three pounds *per centum per annum*, so as such loans be allowed to be made by the commissioners of the treasury, or any three or more of them, or by the high treasurer, or any three or more of the commissioners of the treasury for the time being, who are hereby authorized to issue their warrants for that purpose, as fast as such loans shall be wanted for the publick service, the said interest to be paid half-yearly from the making of such loans, until the satisfaction of the principal sums respectively, and that no monies so to be lent shall be rated or assessed in any tax or assessment whatsoever; and that every such lender shall immediately have a tally of loan struck for the money by him, her, or them lent, and an order of the same date for repayment thereof with such interest as aforesaid; and that all such orders shall be registered in course according to their dates; and all persons thereupon shall be paid in course, as their orders shall stand registred, so as the person or persons, natives or foreigners, his, her, or their executors, administrators, or assigns, whose orders shall be first registred, shall be

Tallies and
orders for re-
payment

ac-

accounted the person or persons to be first paid, and so successively in course; and that the monies to come in by this act, of the said duties, shall be in the same order liable to the satisfaction of the said respective persons, their executors, administrators, or assigns successively, without undue preference of one before another, and not otherwise, and shall not be diverted or divertible to any other use, intent, or purpose whatsoever; and that no fee, reward, or gratuity, directly, or indirectly, be demanded or taken for providing or making any such books or registers, or any entries, views, or search in or for payment of money lent, or the interest thereof, as aforesaid, by any of his Majesty's officer or officers, their clerks or deputies, on pain of payment of treble damages to the party aggrieved by the party offending, with full costs of suit; or if the officer himself take or demand any such fee or reward, then to forfeit his place also; and if any undue preference of one before another shall be made in point of registry or payment contrary to the true meaning of this act by any such officer or officers, then the party offending shall be liable by action of debt, or on the case, to pay the value of the debt with full costs of suit to the party aggrieved, and shall be forejudged of his place or office; and if such preference be unduly made by any his deputy or clerk without direction or privity of his master, then such deputy or clerk only shall be liable to such action, debt, damages, and costs, and shall be for ever after incapable of his place or office; and in case the auditor of the receipt shall not direct, or the clerk of the pells record, or the tellers make payment, according to each person's due place and order, as before directed, then he or they shall be adjudged to forfeit, and the respective deputies and clerks therein offending to be liable to such action, debt, damages and costs, in such manner as aforesaid: all which said penalties, forfeitures, damages, and costs, to be incurred by any the officers of the exchequer, or any their deputies or clerks, shall and may be recovered by action of debt, bill, plaint, or information in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege, wager of law, injunction, or order of restraint, shall be in any wise granted or allowed.

XIV. Provided always, That if it happen that several tallies of loan, or orders for payment, as aforesaid, bear date, or be brought the same day to the auditor of the receipt to be registered, then it shall be interpreted no undue preference, which of those be entered first, so as he enters them all the same day.

XV. Provided also, That it shall not be interpreted any undue preference, to incur any penalty in point of payment, if the auditor directs, and the clerk of the pells record, and the tellers do pay, subsequent orders of persons that come and demand their money, and bring their orders, before other persons that did not come to take their monies, and bring their orders in course, so as there be so much money reserved as will satisfy precedent orders, which shall not be otherwise disposed of, but kept for them,

What shall
not be reckon-
ed undue pre-
ference.

them, interest upon loan being to cease from the time that money is so reserved and kept in bank for them.

Money lent
may be trans-
ferred.

XVI. And be it further enacted, That all and every person and persons to whom any money shall be due for loans by virtue of this act, after order entered in the book of registry, aforesaid, his, her or their executors, administrators, or assigns, by proper words of assignment to be indorsed on his, her, or their order, may assign or transfer his, her, or their right, title, interest, and benefit of such order, or any part thereof, to any other, which being notified in the office of the auditor of the receipt aforesaid, and an entry or memorial thereof also made in the book of registry aforesaid for orders, (which the officers shall upon request without fee or charge accordingly make) shall intitle such assignee, his, her, or their executors, administrators, successors, or assigns, to the benefit thereof and payment thereon, and such assignee may in like manner assign again, and so *toties quoties*; and afterwards it shall not be in the power of such person or persons who have or hath made such assignment to make void, release, or discharge the same, or any the monies thereby due, or any part thereof.

Exchequer
may issue out
new exche-
quer bills.

XVII. And to the end there may be no want or failure of a certain sum not to exceed in the whole the sum of five hundred thousand pounds to be raised either by such loans as aforesaid, or by issuing exchequer bills as is herein after mentioned, or by both or either of those ways or means, for the publick service; be it further provided and enacted by the authority aforesaid, That in case the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall judge it more adviseable to raise the said sum of five hundred thousand pounds, or any part thereof, by exchequer bills, instead of such loans as aforesaid, that then they respectively are hereby authorized and impowered at any time or times at once, or by such proportions at a time as they respectively shall find to be most for the advantage of the publick, to prepare and make, or cause to be prepared and made, at the exchequer, in such method and form as they or he shall think most safe and convenient, any number of new exchequer bills containing one common sum or different sums in the principal monies, so that in case there shall be no loans made, then all the principal sums to be contained in the said bills to be made forth by this act shall not exceed five hundred thousand pounds, and in case any such loans shall be made, as aforesaid, then all the principal sums to be contained in the said bills to be made forth by this act, together with such loans so made, shall not exceed the said sum of five hundred thousand pounds.

Bills to bear
interest at 3 l.
per cent. per
annum.

XVIII. And be it further enacted by the authority aforesaid, That the said bills to be prepared and made in pursuance of this act shall or may bear an interest not exceeding three pounds *per centum per annum*, and proportionably for any greater or lesser sum to be contained therein, and to be payable to the bearers thereof

thereof respectively, nevertheless the said interest shall be abated and saved upon such of the said bills to be made forth by this act as shall at any time or times be in the receipt of the exchequer, or in the hands or power of any receivers or collectors of any taxes, aids, or revenues whatsoever, payable to his Majesty, his heirs and successors, during such time and times respectively as such bill or bills shall be or remain in the said receipt, or in such hands or power as aforesaid.

XIX. And it is hereby enacted, That all the said bills so to be prepared and made shall be numbered arithmetically, beginning with N^o I. and so proceeding in an arithmetical progression ascending, wherein the common excess or difference shall always be one, and shall be registered accordingly; so that the principal sums to be contained in every such bill (after repayment of the loans which shall have been made as aforesaid, if any such be, with the interest thereof, or reserving money sufficient for that purpose) may regularly be paid off and discharged in course according to the number of every such bill as it shall stand in the said register; and that the interest upon all and every the same bills shall be payable half yearly according to the purport and true meaning of this act; and that upon every such bill there shall be indorsed, printed, or written, in words at length or in figures, the sum after which the principal to be contained therein shall be payable in such course as aforesaid according to the purport and true meaning of this act.

These bills to be numbered arithmetically.

XX. Provided always, and be it enacted by the authority aforesaid, That in case the said sum not exceeding five hundred thousand pounds shall be raised partly by loans and partly by exchequer bills according to the powers before given by this act, that then and in such case it shall and may be lawful to and for the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, when and as often as they shall by virtue of the said powers direct any such loans to be taken, or any such exchequer bills to be made out, at the same time also to direct and appoint the course and order in which such loans or exchequer bills shall stand upon the said register, and after what sum they shall respectively begin to be payable in course out of the monies arising by this act, so as no subsequent loans or exchequer bills be made to alter the course at first appointed for prior loans or exchequer bills at the time of taking in or making out such prior loans or exchequer bills; any thing herein before contained to the contrary notwithstanding.

Treasury to direct the course of payment for loans or exchequer bills.

XXI. And it is hereby further enacted, That all the said bills shall be prepared and made with such cheques, indents, or counterfoils as shall be directed by the said commissioners of the treasury, or any three or more of them now being, or by the high treasurer, or any three or more of the commissioners of the treasury for the time being; and that the person or persons, who shall be appointed to pay off the said bills in course, shall, from time to time, have the use and custody of one part of all the cheques,

Treasury to appoint cheques, &c.

cheques, indents, or counterfoils of the said exchequer bills to be prepared and made by virtue of this act, from which the said bills shall have been cut, to prevent his or their being imposed on by counterfeit or forged bills; and that the undertakers or contractors for exchanging and circulating the said bills, or such of them as shall be current, shall from time to time have the use and custody of one other part of all the said cheques, indents, or counterfoils of the said exchequer bills, from which the same shall have been cut off as aforesaid, in order to prevent their being imposed upon by counterfeit or forged bills; and that all the said parts of the said cheques, indents, or counterfoils, shall be delivered back into the exchequer, when the said bills to be made forth by virtue of this act shall be paid off, cancelled, and discharged.

Bills to be placed as cash in the exchequer.

XXII. And it is hereby enacted, That the said commissioners of the treasury or any three or more of them now being, or the said high treasurer, or any three or more of the commissioners of the treasury for the time being, shall and they are hereby respectively authorized and impowered to cause such bills as shall be prepared by virtue of this act to be placed as so much cash in the respective offices of the tellers of the said receipt of the exchequer, each and every of which tellers shall be severally charged with the proportion of the said bills which shall be so placed in his office respectively; any law or usage to the contrary notwithstanding.

Clauses in the malt act relating to the exchequer bills, extended to this,

XXIII. And be it further enacted by the authority aforesaid, That all the said bills to be issued as aforesaid shall be current in like manner, and with such privileges and advantages, and subject to such rules and directions as are prescribed and enacted by an act of this present session of parliament, intituled, *An act for continuing the duties upon malt, mum, cyder, and perry, in that part of Great Britain called England, and for granting to his Majesty certain duties upon malt, mum, cyder, and perry, in that part of Great Britain called Scotland, for the service of the year one thousand seven hundred and thirty seven*, for or concerning the exchequer bills thereby authorized to be made forth; and that all and every the clauses and provisoes in the said last-mentioned act relating to the currency, exchanging, or receiving the same last-mentioned exchequer bills by any publick receivers of aids, taxes, or supplies, or in his Majesty's receipt of the exchequer, or for preventing the forging, counterfeiting, or altering the same bills, or for making out new bills in the room of such as shall be filled up with indorsements, defaced, lost, burnt, or otherwise destroyed, or for making out exchequer bills of five thousand pounds each, or for making out exchequer bills without bearing interest, or for making them afterwards to bear an interest, or a higher or lower rate of interest from time to time as the contractors shall agree to, or for preventing any misapplication of the fund on which the same are charged, or any other misbehaviour of any officers concerned in the receiving, issuing, exchanging, paying off, or cancelling the same last-mentioned exchequer bills,

bills, or for enabling the commissioners of the treasury, or the lord high treasurer for the time being, to contract from time to time with any person or persons, body or bodies politick or corporate, for payment of the interest of, or exchanging for ready money on demand, the exchequer bills thereby authorized to be issued at a rate or premium not exceeding three pounds *per centum per annum*, or for preventing any disabilities in such contractors, or for making them not liable to be bankrupts on account of such contracts, or for appointing a paymaster or paymasters for paying off and cancelling the same exchequer bills in due course and order, shall be extended and construed to extend as well to the exchequer bills by this act authorized to be made forth, as to the exchequer bills to be made forth in pursuance of the said act for continuing to his Majesty the duties upon malt, mum, cyder, and perry, as amply, fully, and effectually, to all intents and purposes, as if the same clauses or provisos had been particularly repeated and re-enacted *verbatim* in this act.

XXIV. And to the end the same bills, or so many of them as shall from time to time remain undischarged, may the better obtain a currency for such time as they or any of them are hereby intended to be current, be it further enacted by the authority aforesaid, That the money which shall from time to time arise at the said receipt of the exchequer of or for the duties by this act granted shall from time to time as the same shall arise at the said receipt be issued and applied at the said receipt for or towards the paying off and discharging the orders of loan for the monies which shall have been lent at the said receipt, and for satisfying the interest thereof, in such course, manner, and form as are before in this act prescribed or appointed for that purpose, until all the principal and interest payable upon such orders of loan shall be fully satisfied, or monies sufficient shall be reserved in the exchequer for the full payment and satisfaction of the same; or the monies which shall from time to time arise at the said receipt of the exchequer of or for the said duties by this act granted shall from time to time as the same shall arise at the said receipt be issued to such paymaster by way of imprest and upon account for or towards paying off and discharging the said exchequer bills which shall have been made forth by virtue of this act, in such course as aforesaid, and for or towards the charge of circulating and exchanging the same bills or any of them, and for or towards such other payments as are in and by this act directed or allowed to be made or discharged out of the same, and for no other use, intent, or purpose whatsoever.

Currency of
these bills.

XXV. And be it further enacted by the authority aforesaid, That yearly and every year during the continuance of the said orders of loan and exchequer bills or any of them the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall on the feast day of Saint Michael the archangel in every year, or within twenty days after, cause a true and perfect account in writing to be taken and attested.

An account
of the monies
arising by these
duties to be
taken every
year.

Application of
them.

Deficiency to
be made good
out of the
Sinking Fund,

and replaced
by parliament.

attested by the proper officers, of all the monies which shall in the preceding year have been paid into the receipt of exchequer, for or upon account of the said duties by this act granted as aforesaid, and how much thereof hath been applied or will be necessary to be applied, either towards the paying of interest on the said orders of loan, or the payment of any premium, rate, or interest, in respect of the said exchequer bills, or any other necessary charges authorized by this act to be paid; and in case it shall appear that on any such feast day there shall be or remain in the exchequer any surplus arisen from the said duties, over and beyond what will satisfy such interest, premium, rate, and charges, to that time, such surplusses shall be and are hereby appropriated, and shall be from time to time forthwith issued and applied, as far as the same will extend, for or towards the paying off the principal sums contained either in such orders of loan, or in such exchequer bills, and discharging the same in a numerical course, beginning with N^o I. and so on progressively, until all the said orders of loan and exchequer bills shall be discharged.

XXVI. And be it further enacted by the authority aforesaid, That in case it shall appear that on any such feast day the money arisen into the exchequer in the preceding year shall be so low or deficient, as that the same shall not be sufficient to discharge such interest, premium, rate, and charges to that time, such deficiency shall from time to time be made good out of the first supplies to be granted in parliament, next after such deficiency shall appear; and in case no such supply shall be granted within six months next after such deficiency shall happen, then the same shall be made good out of any the monies, which at any time or times shall be or remain in the said receipt of the exchequer of the surplusses, excesses, and overplus monies, commonly called the *Sinking Fund* (except such monies of the same sinking fund as are appropriated to any particular use or uses by any former act or acts of parliament in that behalf) and such monies of the said sinking fund shall and may from time to time be issued and applied accordingly.

XXVII. Provided always, and be it enacted by the authority aforesaid, That whatever monies shall be issued out of the said surplusses, excesses, or overplus monies, commonly called *The Sinking Fund*, shall, from time to time, be replaced by and out of the first supplies to be then after granted in parliament; any thing herein contained to the contrary notwithstanding.

XXVIII. Provided always, and be it enacted by the authority aforesaid, That all the monies coming into the exchequer, either by loans or exchequer bills, upon one act of this session of parliament, intituled, *An act for continuing the duties upon malt, mum, cyder and perry, in that part of Great Britain called England, and for granting to his Majesty certain duties upon malt, mum, cyder and perry, in that part of Great Britain called Scotland, for the service of the year one thousand seven hundred and thirty seven,* and so much money (if any such be) of the duties thereby grant-

ed

ed and continued, as shall arise or remain after all the loans or exchequer bills made, or to be made on the same act, and all the interest, premium, or rate and charges thereon, and the charges thereby allowable for raising the said duties, shall be satisfied, or money sufficient shall be reserved in the exchequer to discharge the same; and all the monies coming into the exchequer, either by loans or exchequer bills, upon one other act of this session of parliament, intituled, *An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and thirty seven*, and so much money (if any such be) of the tax thereby granted, as shall arise or remain, after all the loans or exchequer bills made or to be made on the same act, and all the interest, premium, or rate and charges thereon, and the charges thereby allowable for raising the said land tax, shall be satisfied, or money sufficient shall be reserved in the exchequer to discharge the same; and the sum of one million by or out of such monies as now are or at any time shall be in the receipt of the exchequer of the surplusses, excesses, or overplus monies of the fund commonly called *The sinking Fund*, arisen or to arise at or from the feast day of the birth of our Lord Christ, one thousand seven hundred and thirty seven, after payment of or reserving sufficient to pay such monies as have been or shall be directed by any former act or acts of parliament to be paid out of the same; and also all the loans or exchequer bills to be made forth in pursuance of this present act, shall be appropriated and applied, and are hereby appropriated for and towards the several uses, intents, and purposes herein expressed, subject nevertheless to such restrictions as are herein after prescribed; that is to say, it is hereby enacted and declared, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding seven hundred thirty nine thousand two hundred and one pounds, six shillings, and five pence, for or towards the naval services herein after more particularly expressed; that is to say, for or towards defraying the charge of the ordinary of his Majesty's navy, and for half-pay to sea officers, and for or towards victuals, wages, wear and tear of the navy, and the victualling thereof, performed and to be performed, and for or towards sea services in the office of ordnance, performed and to be performed.

Application of
the monies
arising by the
several acts
herein recited.
739,201. 6s.
5d. for naval
services.

XXIX. And it is hereby enacted, That out of all or any the aids or supplies provided as aforesaid there shall and may be issued and applied any sum or sums of money not exceeding fifty thousand pounds, for the rebuilding and repairing the ships of the royal navy for the year one thousand seven hundred and thirty seven.

50,000l. for
repair of the
royal navy.

XXX. And it is also hereby enacted, That out of all or any the aids or supplies, as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding ten thousand pounds, upon account, for or towards the support of the royal hospital at *Greenwich*, and for the better maintenance of the

10,000l. to
Greenwich
hospital.

seamen of the said hospital, worn out and become decrepit in the service of their country.

80, 728l. 5s.
and 5d. for
the office of
ordnance.

XXXI. And it is hereby also enacted, That out of all or any the aids or supplies as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding eighty thousand three hundred and twenty eight pounds, five shillings, and five pence, for or towards defraying the charge of the office of ordnance for land service performed and to be performed, and for defraying the extraordinary expence of the office of ordnance for land services, not provided for by parliament.

1,039,198l.
10s. 4d. far-
thing, for land
forces.

XXXII. And it is hereby likewise enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding one million thirty nine thousand one hundred ninety eight pounds, ten shillings, and four pence farthing, for or towards maintaining his Majesty's land forces, and other services herein after more particularly expressed; that is to say, any sum or sums of money not exceeding six hundred forty seven thousand five hundred forty nine pounds, eleven shillings, and three pence halfpenny, for defraying the charge of seventeen thousand seven hundred and four men, including commission and non-commission officers, and invalids, for guards, garrisons, and six independent companies for the service of the highlands, and other his Majesty's land forces in *Great Britain, Guernsey, and Jersey*, for the year one thousand seven hundred and thirty seven; and any sum or sums of money not exceeding two hundred and fifteen thousand seven hundred and ten pounds, six shillings, and five pence halfpenny, for maintaining his Majesty's forces and garrisons in the plantations, *Minorca and Gibraltar*, and for provisions for the garrisons at *Annapolis Royal, Conso, Placentia, and Gibraltar*, for the year one thousand seven hundred and thirty seven; and any sum or sums of money not exceeding twenty eight thousand seven hundred and seven pounds, five shillings, and ten pence, upon account for out-pensioners of *Chelsea* hospital, for the year one thousand seven hundred and thirty seven; and any sum or sums of money not exceeding fifty six thousand four hundred and thirteen pounds, fourteen shillings and three pence farthing, for defraying several extraordinary expences and services incurred in the years one thousand seven hundred thirty five, and one thousand seven hundred and thirty six, and not provided for by parliament; and any sum or sums of money not exceeding forty four thousand six hundred eighty five pounds, two shillings, and six pence, upon account of half-pay to the reduced officers of his Majesty's land forces and marines, for the year one thousand seven hundred and thirty seven, subject nevertheless to such rules to be observed in the application of the said halfpay, as are herein after prescribed concerning the same; and any sum or sums of money not exceeding three thousand nine hundred forty five pounds, for paying of pensions to widows of such reduced officers of his Majesty's land forces and marines, as died upon the establishment of half-pay in *Great Bri-*

56,413l. 14s.
3d. farthing,
for extraordi-
nary expences.

44,685l. 2s.
6d. for half-
pay officers.

3,945l. for
widows of
such officers.

Britain, and who were married to them before the twenty fifth day of *December*, one thousand seven hundred and sixteen, for the year one thousand seven hundred and thirty seven; which said sum of three thousand nine hundred forty five pounds, shall be issued to such person or persons, as his Majesty shall, by warrant or warrants under his royal sign manual direct or appoint to receive the same, to be by him or them paid over to such widows of half-pay officers, or their assigns, according to such establishments, lists, or other directions, and with and subject to such conditions, qualifications, deductions, or other allowances for the same, as his Majesty, by such or the like warrant or warrants, shall be graciously pleased to direct or appoint; and any sum or sums of money not exceeding forty two thousand one hundred eighty seven pounds, ten shillings, on account of the subsidy payable to the king of *Denmark*, pursuant to the treaty bearing date the nineteenth day of *September*, one thousand seven hundred and thirty four, for the year one thousand seven hundred and thirty seven.

42,187l. 10s.
for payment
of the subsidy
to the king of
Denmark.

XXXIII. And it is hereby also enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding sixty two thousand four hundred and one pounds, three shillings, and six pence farthing, towards making good the deficiency of the grants for the year one thousand seven hundred and thirty six.

62,401l. 3s.
6d. farthing,
for making
good the de-
ficiency of the
grants for
1736.

XXXIV. And it is hereby also enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding ten thousand and forty three pounds, three shillings, and ten pence farthing, to replace to the sinking fund the like sum paid out of the same to make good the deficiency of the additional stamp duties, pursuant to a clause in an act of parliament passed in the fourth year of his Majesty's reign, for raising one million two hundred thousand pounds by annuities, and a lottery for the service of the year one thousand seven hundred and thirty one; and any sum or sums of money not exceeding ten thousand pounds, towards the maintenance of the *British* forts and settlements belonging to the royal *African* company of *England*, on the coast of *Africa*; and any sum or sums of money not exceeding four thousand pounds, towards repairing and finishing the collegiate church of *Saint Peter, Westminster*, and there shall and may be issued to the trustees for establishing the colony of *Georgia in America*, any sum or sums of money not exceeding twenty thousand pounds, by them to be applied towards settling and securing the said colony.

10,043l. 3s.
10d. farthing,
to the Sinking
Fund.

10,000l. to
the *African*
company.
4,000l. to-
wards the re-
pair of St.
Peter, West-
minster.

20,000l. to
the colony of
Georgia.

XXXV. And it is hereby also enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied to the governor and company of merchants of *Great Britain* trading to the *South-Seas* and other parts of *America*, and for encouraging the fishery, at the feast of *Saint Michael* the archangel, one thousand seven hundred and thirty

1,000,000l. for
redeeming Old
South Sea an-
nuities.

seven, any sum or sums of money not exceeding one million, for or towards redeeming part of the annuities attending on the capital stock of annuities commonly called *Old South-Sea annuities*, remaining due to the said company; from which time a proportional part of their said capital stock of annuities, and of the annuities attending thereon, and of the allowance for charges of management, shall cease and determine for the benefit of the publick.

The aforesaid
monies limit-
ed only to the
uses directed.

XXXVI. And be it enacted, That the said aids or supplies provided as aforesaid, shall not be issued or applied to any use, intent, or purpose whatsoever, other than the uses and purposes before-mentioned, or for the several deficiencies, or other payments directed to be satisfied thereout, by any particular clause or clauses for that purpose contained in any other act or acts of this present session of parliament.

South Sea
company to
distribute the
said million a-
mong the pro-
prietors pro-
portionably.

XXXVII. And be it enacted by the authority aforesaid, That the said *South-Sea* company shall forthwith upon the receipt of the said sum of one million, or as soon as conveniently may be, divide out and distribute the same as near as conveniently may be done amongst all the several proprietors of their said capital stock of annuities, towards sinking and discharging so much of their shares or interests in the said capital stock of annuities, by even and equal dividends amongst them all in proportion to their respective shares or interests therein.

If payment be
made of the
capital of any
annuity stock
vested in per-
sons in trust
for others, &c.
such divi-
dends shall not
be paid as di-
vidends of
profit, &c.
but remain in
the trustees
hands,

XXXVIII. And to the end, intent, and purpose, that all trust estates and interests in the said capital stock of annuities of the *South-Sea* company may be preserved and improved for the benefit of the persons concerned therein with the least expence and inconvenience to them; be it enacted by the authority aforesaid, That in all and every cases where in pursuance of this act any payments or dividends shall be made of the capital of any such annuity stock as shall be vested in any person or persons in trust for other persons, who have or claim distinct or different interests therein, or for any other ends or purposes for which the capital sum or annuity ought to be preserved intire, such payments or dividends of the capital stock of annuities shall not be paid or applied as dividends of profit, annuity or interest, but shall remain in the hands of such trustees respectively, till otherwise disposed of at interest; and for that purpose it shall and may be lawful to and for the trustee or trustees who shall receive the same, at his or their discretion to lay out or dispose of the same or any part thereof in the purchase of so much other capital stock of the same kind, as at the current market price of such annuity stock the monies received for such dividends shall, as near as conveniently may be, extend to purchase; which new purchased stock of annuities shall be transferred to such trustee or trustees, and a receipt or receipts shall be given and signed by the person or persons transferring the same for the monies paid for the same; and in case such trustees respectively by writing indorsed on or annexed to such receipts, and signed or acknowledged before one of the masters of the high court of *Chancery*, shall declare that the monies in the said receipts, were the produce of the said di-
vidends

who may pur-
chase other
capital stock,
which is to be
transferred to
the trustees;
and a receipt
given, &c.

vidends of the said capital stock of annuities, (which signing or acknowledgments such masters in chancery are hereby required to accept or take) and each and every such master, before whom the same shall be done, shall at the same time certify the same by subscribing his name thereto (for the doing whereof, such master shall be paid for each certificate one shilling and no more) then and in every such case the annuity stock mentioned in such receipts to be transferred, shall respectively go and be deemed subject and liable to the same trusts for the benefit of the same persons, and for the same uses, ends, intents and purposes, as the rest of the trust annuity stock remaining in such trustees respectively will or ought to be subject and liable to, and such trustees respectively shall from thenceforth be indemnified from any loss, charges or damages, on account of their so doing, at the expences of the said trust estates.

XXXIX. Provided always, That nothing in this act contained shall extend, or be construed to extend, to restrain or prohibit any such trustees, from laying out or disposing of any of the said trust monies in any other purchases or any other securities, whether publick or private, if they shall so think fit, in the same manner, and with the same freedom and security to themselves, as they might have done if this act had not been made.

This act not to restrain trustees from laying out trust money in other purchases.

XL. And as to the said sum of forty four thousand six hundred eighty five pounds, two shillings, and six pence, by this act appropriated on account of half-pay, as aforesaid; it is hereby enacted and declared by the authority aforesaid, That the rules herein after prescribed shall be duly observed in the application thereof; (that is to say) That no person shall have or receive any part of the same who was a minor, and under the age of sixteen years at the time when the regiment, troop, or company, in which he served, was reduced; that no person shall have or receive any part of the same, except such persons who did actual service in some regiment, troop, or company; that no person having any other place or employment of profit, civil or military, under his Majesty, shall have or receive any part of the said half-pay; that no chaplain of any garrison or regiment, who has any ecclesiastical benefice in *Great Britain or Ireland*, shall have or receive any of the said half-pay; that no person shall have or receive any part of the same, who hath resigned his commission, and hath had no commission since; that no part of the same shall be allowed to any person by virtue of any warrant or appointment, except to such persons, who would have been otherwise intitled to the same as reduced officers; and that no part of the same shall be allowed to any of the officers of the five regiments of dragoons, and eight regiments of foot, lately disbanded in *Ireland*, except to such as were lately taken off the establishment of half-pay in *Great Britain*.

Rules to be observed in the application of half-pay.

XLI. And whereas by an act of parliament made in the ninth year of his Majesty's reign, intituled, An act for enabling his Majesty to borrow any sum or sums of money, not exceeding six hundred thousand pounds, to be charged upon the surplusses, excess-

Overplus may be disposed of to officers maimed, &c. or to such objects of charity as his Majesty shall approve of.

ses, or overplus monies, commonly called *the sinking fund*, redeemable by parliament; and for the further disposition of the said fund, by paying off one million of *South Sea annuities*; and for appropriating the supplies granted in this session of parliament; *several supplies which had been granted to his Majesty, as is therein mentioned, were appropriated to several uses and purposes therein expressed, amongst which, any sum or sums of money not exceeding forty six thousand seven hundred and eighty pounds, eighteen shillings, was appropriated to be paid to the reduced officers of his Majesty's land forces and marines, subject nevertheless to such rules to be observed in the application of the said half-pay, as in and by the aforesaid act were prescribed in that behalf*; now it is hereby provided, enacted, and declared by the authority aforesaid, That so much of the said sum of forty six thousand seven hundred and eighty pounds, and eighteen shillings, as is or shall be more than sufficient to satisfy the said reduced officers, according to the said rules by the said acts prescribed to be observed in the application thereof, or any part of such overplus, shall or may be disposed of to such officers who are maimed or lost their limbs in the late wars, or such others as by reason of their long service or otherwise his Majesty shall judge to be proper objects of charity, or to the widows or children of such officers, according to such warrant or warrants under his Majesty's royal sign manual, as shall be signed in that behalf; any thing in this act, or the said former act, by affidavit to the contrary notwithstanding.

Exchequer bills, lottery tickets, &c. proved to be lost by casualty, by affidavit before any baron of the Exchequer, before 7 July, 1737, to be made forth upon producing a certificate from the said baron; and the officers, on security given to indemnify them, may make forth duplicates of the said bills, &c. Commissioners of the treasury, &c. empowered to sign such duplicates. EXP.

C AP. XVIII.

An act for rebuilding the church of the parish of Saint Olave, in the city of London, and in the borough of Southwark, in the county of Surrey.

WHEREAS the church of the parish of Saint Olave, in the city of London, and borough of Southwark, in the county of Surrey, is a very ancient fabrick, and notwithstanding considerable sums of money have been laid out by the inhabitants of the said parish in repairing and supporting the same, part thereof hath fallen down, and the other part which is standing is in a very ruinous condition; now, to the intent the said church may be rebuilt for the publick worship of God, and the instruction of the inhabitants of the said parish in the true christian religion as now professed in the church of England, and that the same may be effected in the manner that may be least burthensome to the inhabitants of the said parish; may it please your most excellent Majesty, at the humble request of the rector, churchwardens, and other inhabitants of the said parish, that it may be enacted, &c.

The church to be rebuilt. Rates for ringing the bells, and for use of palls. Trustees appointed to receive and apply the duties. Collectors to be

be chosen. Forfeiture of 10 l. on refusing to act. Collectors exempted from being scavengers. Annuities on contributions, not to exceed 400l. per ann. Annuities charged on the rates, and exempt from taxes. Assessments not to exceed 6d. per pound. Funeral rates, if occasion requires, chargeable with the annuities. The rights of St. John's parish not prejudiced hereby. Payment of the rates not to intitle persons to settlements. Rates to cease at the determination of the annuities. Burying-ground of Guy's hospital not chargeable. No person to be buried in the church or chancel.

CAP. XIX.

An act for the more effectual preventing the unlawful playing of interludes within the precincts of the two universities, in that part of Great Britain called England, and the places adjacent; and for explaining and amending so much of an act passed in the last session of parliament, intituled, an act for laying a duty upon the retailers of spirituous liquors, and for licensing the retailers thereof, as may affect the privilege of the said universities, with respect to licensing taverns, and all other publick houses within the precincts of the same.

WHEREAS the letters patent of King Henry the eighth, made Preamble. and granted unto the chancellor and scholars of the university of Oxford, bearing date the first day of April, in the fourteenth year of his reign; and the letters patent of Queen Elizabeth, made and granted unto the chancellor, master, and scholars of the university of Cambridge, bearing date the twenty sixth day of April, in the third year of her reign; and also all other letters patent by any of her progenitors or predecessors made to either of the corporated bodies of the said universities, and all manner of liberties, franchises, immunities, quietances, and privileges, view of frank pledge, law days, and other things, whatsoever they were, the which either of the said corporated bodies of the said universities had held, occupied, or enjoyed, or of right ought to have had, used, occupied, and enjoyed, were by authority of parliament in the thirteenth year of her reign, confirmed to the chancellor, masters, and scholars of either of the said universities, and their successors, for the great love and favour that her said Majesty bore towards her said universities, for the great zeal and care that the lords and commons had for the maintenance of good and godly literature, and the virtuous education of youth, within either of the said universities, and to the intent that the ancient privileges, liberties and franchises, of either of the said universities, granted, ratified, and confirmed by the Queen's highness, and her most noble progenitors, might be had in greater estimation, and be of greater force and strength for the better increase of learning, and the further suppressing of vice, and whereas doubts have arisen or may arise, whether by any of the said letters patent, liberties, franchises, immunities, or privileges, or by any subsequent charter or charters, or by the laws and statutes of this realm, the chancellor of either of the said universities, or the vice chancellor thereof, or his deputy, or any other person or persons,

be sufficiently impowered to correct, restrain, or suppress common players of interludes, settled, residing, or inhabiting within the precincts of either of the said universities, and not wandering abroad: and whereas the erection of any playhouse within the precincts of either of the said universities, or places adjacent, may be attended with great inconveniencies; may it please your most excellent Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all persons whatsoever who shall for gain in any playhouse, booth, or otherwise, exhibit any stage play, interlude, shew, opera, or other theatrical or dramatical performance, or act any part, or assist therein, within the precincts of either of the said universities, or within five miles of the city of *Oxford*, or town of *Cambridge*, shall be deemed rogues and vagabonds; and that it shall and may be lawful to and for the chancellor of either of the said universities, or the vice chancellor thereof, or his deputy respectively, to commit any such person to any house of correction within either of the counties of *Cambridge* or *Oxford* respectively, there to be kept to hard labour for the space of one month, or to the common gaol of the city or county of *Oxford*, or town or county of *Cambridge* respectively, there to remain without bail or mainprize for the like space of one month; any licence of the chancellor, masters, and scholars of either of the said universities of *Oxford* or *Cambridge*, or any thing herein or in any other statute, law, custom, charter, or privilege, to the contrary notwithstanding.

Stage players acting within 5 miles of either university, to be treated as vagabonds, &c.

A^d 7 Edw. 6.
c. 5.

II. And whereas by an act made in the seventh year of the reign of King Edward the Sixth, which prohibits all persons not licensed according to the direction of the said act to sell wine by retale, and permits no more than three taverns or wine sellers in the city of *Oxford*, and four taverns or wine sellers in the town of *Cambridge*, it was provided, That the said act, or any thing therein contained, should not in any wise be prejudicial or hurtful to any of the universities of *Oxford* and *Cambridge*, or to the chancellor or scholars of the same, or their successors, or any of them, to impair or take away any of the liberties, privileges, franchises, jurisdictions, powers, and authorities to them, or any of them appertaining, or belonging, but that they and every of them, and their successors, might have, hold, use, and enjoy, all their liberties, privileges, franchises, jurisdictions, powers, and authorities, in such large and ample wise, as though the said act had never been made, so always, that there should not be any more or greater number of taverns kept or maintained within any of the said towns of *Oxford* or *Cambridge*, than might be lawfully kept and maintained by the provision, true meaning and intent of the said statute: and whereas by an act made in the twelfth year of the reign of King Charles the Second, intituled, an act for the better ordering the selling of wines by retale, and for preventing abuses in the mingling, corrupting, and vitiating of wines, and for setting and limiting the prices of the same, it was provided, That the

12 Car 2.
c. 25.

said act, or any thing therein contained, should not in any wise be prejudicial to the privilege of the two universities of this land, or either of them, nor to the chancellors or scholars of the same, or their successors, but that they might use and enjoy such privileges, as theretofore they had lawfully used and enjoyed: and whereas by an act made in the ninth year of the reign of Queen Anne, for charging certain new duties on stamp vellum, parchment, and paper, and for other purposes, whereby, amongst other things, several duties therein expressed are directed to be paid for every piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed or written any licence for retailing of wine, or for selling of ale, beer, or other exciseable liquors by retale, it was provided, That nothing in the said act contained should extend, or be construed to extend, to prejudice any right the two universities of Oxford and Cambridge, or either of them had, or claimed to have, to the licensing any taverns, inns, or alehouses, within their several jurisdictions, but that the said universities might, from time to time, grant licences for any taverns, inns, and alehouses, within their several jurisdictions, subject to the several duties aforesaid, in as ample manner as they respectively might lawfully have granted the same, if the said act had never been made: and whereas by an act made in the twelfth year of the reign of her said Majesty, Queen Anne, intituled, An act to enable such officers and soldiers as have been in her Majesty's service during the late war, to exercise trades, and for officers to account with their soldiers, it was provided, that neither the said act, nor an act made for the like purpose in the tenth and eleventh years of King William the Third, should in any wise be prejudicial to the privileges of the universities of Cambridge and Oxford, or either of them, or extend, to give liberty to any person to set up the trade of a vintner, or to sell any wine or other liquors within the said universities, without licence first had and obtained from the vice chancellors of the same respectively: and whereas by an act made in the last session of parliament, intituled, An act for laying a duty upon the retailers of spirituous liquors, and for licensing the retailers thereof, it was enacted, That from and after the twenty ninth day of September, one thousand seven hundred and thirty six, any person or persons who had followed and exercised the art or business of distillation for seven years then last past, or had served, or on the twenty fifth day of March, one thousand seven hundred and thirty six, were serving any apprenticeship to the same, should and might have full liberty and authority to exercise or follow any other trade, art, business, or manufacture in any city, town, or place, within that part of Great Britain called England; any law, charter, grant, custom, or usage to the contrary notwithstanding: and whereas since the making of the said last mentioned act, and under colour thereof, persons not licensed by the chancellor, masters, and scholars of the said university of Cambridge, or by the chancellor or vice chancellor of the said university of Oxford, have exercised and followed, or may exercise and follow, in the said city of Oxford and town of Cambridge, the trades of vintners or wine sellers, and much evil-rule and disorder may be practised in taverns not so licensed, to the great annoyance of the said chancellors, masters,

9 Annæ. c. 33.

12 Annæ, st. 1. c. 13.

10. & 11 W. 3. c. 11.

9 Geo. 2. c. 23.

Act 9 Geo. 2.
not to affect
the privileges
of the univer-
sities.

masters, and scholars, and corruption of the youth educated in the said universities; be it further enacted by the authority aforesaid, That from and after the twenty ninth day of *September*, one thousand seven hundred and thirty seven, nothing in the said last mentioned act contained shall extend, or be construed to extend, to prejudice the right which the chancellor, masters, and scholars of the said university of *Cambridge*, or the chancellor or vice chancellor of the said university of *Oxford*, in the right of the said university of *Oxford* respectively, claim of licensing taverns and other publick houses within the precincts of either of the said universities; but that the said chancellor, masters, and scholars of the said university of *Cambridge*, and the chancellor and vice chancellor of the said university of *Oxford*, in right of the said university of *Oxford* respectively, shall and may use and enjoy the said right, as fully and freely as they might have used and enjoyed the same, if the said act had not been made; any thing in the said act contained to the contrary thereof in any wise notwithstanding.

Distillers,

III. Provided always, That all and every person and persons who have followed and exercised the art or business of distillation for seven years, before the twenty ninth day of *September*, one thousand seven hundred and thirty six, or have served, or on the twenty fifth day of *March*, one thousand seven hundred and thirty six, were serving any apprenticeship to the same, and who, since the said twenty ninth day of *September*, one thousand seven hundred and thirty six, have exercised or followed in the said town of *Cambridge* the trades of vintners or wine sellers, without the licence of the chancellor, masters, and scholars of the university of *Cambridge*, shall have full liberty and authority to exercise or follow the said trades of vintners or wine sellers in the said town of *Cambridge*, so as they and every of them on or before the twenty fourth day of *June* next following, take out such licences, paying their proportion for the same of the money usually and annually paid by the vintners or wine sellers now licensed by the said chancellor, masters, and scholars, and upon such terms, and subject to such regulations, conditions, restrictions, and power of revocation, as the said vintners or wine sellers so licensed as aforesaid are subject to; any thing in this act contained to the contrary notwithstanding.

and wine sellers may follow their trades upon taking out licences.

No fee to be taken for licences.

IV. Provided always, and be it further enacted by the authority aforesaid, That it shall not be lawful for the said chancellor or vice chancellor of the said university of *Oxford*, or any other officer of that body, to receive or take, directly or indirectly, any fee, perquisite, gratuity, or reward, for granting such licences, as aforesaid; nor shall any sum of money, fee, gratuity, or reward be hereafter paid to any person or persons for or in respect of such licences, other than such annual payments in like manner, and to the like uses, as have been usual in the university of *Cambridge*; any law or custom to the contrary notwithstanding.

V. Pro-

V. Provided always, That this act, or any thing herein contained, shall not in any wise be construed to prejudice or confirm any of the liberties, privileges, franchises, jurisdictions, powers, and authorities appertaining or belonging to the mayor, bailiffs, and commonalty of the city of Oxford, or to any of them, but that they and every of them, and their successors, may have, hold, use, and enjoy all their liberties, privileges, franchises, jurisdictions, powers, and authorities, in such large and ample wise as though this present act had never been had or made.

This act not to affect the privileges of the city of Oxford.

VI. And be it further enacted by the authority aforesaid, **Publick act.** That this act shall be deemed a publick act, and shall be judicially taken notice of as such by all judges, justices, and other persons whatsoever, without specially pleading the same.

CAP. XX.

An act to enable the magistrates and town council of the burgh of Lanark, to repair and maintain their bridge over the river Clyd at Clydfhom, in the shire of Lanark.

WHEREAS by an act passed in the parliament of Scotland the thirtieth day of June, in the year of our Lord one thousand seven hundred and three, intituled, An act in favours of the burgh of Lanark, reciting that the burgh of Lanark had been at a vast expence in building a bridge over the river Clyd, and that by reason of the great repair, and the violent current of the water, it would require frequent reparations, which the magistrates of the said burgh were unable to do, it was enacted, That for enabling the said magistrates to maintain the said bridge, the several tolls therein mentioned should be granted to the magistrates of the said burgh for the space of nineteen years: and whereas the said bridge hath been, and still is, of so great use and service to the neighbouring country in general, that notwithstanding the term granted by the said act expired in the year one thousand seven hundred and twenty two, yet the said tolls have been voluntarily paid, till of late that some persons have refused to pay the same: and whereas the annual expence of keeping the said bridge in repair exceeds the yearly income of the tolls granted by the said act, and the maintaining and keeping in repair the said bridge will be attended with a constant charge and expence to the said town: and whereas the magistrates of the said burgh of Lanark are unable to repair and support the same (their debts being already so large and the circumstances of the community so low) unless the said former act be revived, and the term and tolls thereby granted continued and enlarged; may it therefore please your most excellent Majesty, upon the humble petition of the magistrates and town council of the said burgh of Lanark, that it may be enacted, &c.

This act to be in force for 31 years.

CAP.

CAP. XXI.

An act for making the chapel in the hamlet of Abthorpe and Foxcoate, in the parish of Towcester, in the county of Northampton, a parish church, and for appointing a district or parish thereto, and for enabling the master of the free grammar school within the said hamlet of Abthorpe and Foxcoate, to be vicar of the said parish church.

CAP. XXII.

An act for the better regulating the nightly watch and bedels within the city of London, and liberties thereof; and for making more effectual the laws now in being, for paving and cleansing the streets and sewers in and about the said city.

Preamble.

WHEREAS the well ordering and regulating a watch in the night-time within the several wards in the city of London is of very great importance for the preservation of the persons and properties of the inhabitants thereof, and very necessary to prevent fires, murders, burglaries, robberies, and other outrages and disorders: and whereas by the laws now in being no effectual provision is made for the establishing, ordering, or well governing of such a nightly watch, or for levying and collecting any sums of money for defraying the necessary charges thereof, and of the bedels who shall be appointed to take care of the same; for the effecting of which good purposes for the future, and to the end that a due application and just account may be had and taken of the money which shall hereafter be levied and collected by virtue of this act for the purposes aforesaid, may it please your most excellent Majesty, at the humble petition and desire of the mayor, aldermen, and commonalty of the city of London, in common council assembled, that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the mayor, aldermen, and commons of the said city in common council assembled shall, and they are hereby empowered and required between the first day of *October*, one thousand seven hundred and thirty seven, and the twentieth day of *November* next following, and so in every year ensuing between the first day of *October* and the twentieth day of *November* in each succeeding year, to order and appoint what number of watchmen and bedels they shall judge necessary and proper to be kept within each of the several wards of the said city and the liberties thereof, for one whole year commencing from the twenty fifth day of *December* next ensuing the said order; and shall then and there direct how they ought to be armed, how long they are to watch, what wages and allowances shall be given to the said watchmen and bedels for their attendance; and shall also order and direct what number of constables shall attend every night in each respective ward; and shall make all such

Common-council to determine the number of officers, and make orders for the nightly watch,

such other orders and regulations as the nature of each particular service shall seem to them to require.

II. And for the better raising and levying of monies, for paying the wages of the said watchmen and bedels and other charges incident thereto, be it further enacted by the authority aforesaid, That the mayor, aldermen, and commons of the said city, in common council assembled, every year as aforesaid, shall then and there and they are hereby authorized and im-^{and to appoint rates,} powered to determine and direct what sum and sums of money shall be raised and levied upon each respective ward for answering the purposes aforesaid; and for raising the said several sums of money, to direct the alderman, deputy, and common council men of each and every of the respective wards in the said city of *London* and liberties thereof, or the major part of them, to make an equal rate and assessment upon all and every the person and persons who do or shall inhabit, hold, occupy, or enjoy any land, house, shop, warehouse, or other tenement, within their respective wards (regard being had in making the said rate to the abilities of, and likewise to the rent paid by, the said several inhabitants and occupiers so to be rated and assessed) and the alderman, deputy, and common council men of each ward of the said city, or the major part of them, are hereby authorized and required to make such rate and assessment for their respective wards in such manner and form as shall be so directed by the said court of common council; which^{to be collected quarterly.} said rates or assessments so to be made, and all arrears due upon the same, shall be collected quarterly from the several inhabitants or occupiers in each of the said several wards by the several constables for the time being of the several precincts, or by the bedels in each of the said respective wards, as the alderman, deputy, and common council men of each ward, or the major part of them, shall direct and appoint; and in case any of the said inhabitants or occupiers shall refuse or neglect^{Distress on nonpayment,} to pay the sum so rated and assessed upon him, her, or them, it shall and may be lawful to and for such collector or collectors by warrant under the hand and seal of the lord mayor of the said city for the time being, or the alderman of the ward wherein the premises for which such inhabitants or occupiers shall be rated and assessed shall be situate (which warrant the said lord mayor or alderman is hereby authorized and required to grant upon oath made before him by the said collector or collectors of the party or parties so refusing or neglecting to pay) to levy the same by distress and sale of the goods and chattels of the party or parties so neglecting or refusing; rendering to him, her, or them, the overplus (if any be,) the reasonable charge of making the said distress and sale being first deducted; and for want of such distress by like warrants to^{or imprisonment.} commit the party or parties so neglecting or refusing to one of the compters of the said city for the space of one month, or until payment thereof.

III. Pro

Appeal in case
of grievance.

III. Provided always, and it is hereby declared, That in case any person or persons shall think, him, her, or themselves aggrieved by any rate and assessment to be made as aforesaid, it shall and may be lawful for them respectively within the space of twenty days after the sum so rated and assessed shall be demanded, to appeal to the court of lord mayor and aldermen, whose decision shall be final and conclusive.

Aldermen,
&c. of each
ward to make
orders and re-
gulations with-
in their re-
spective wards.

IV. And be it further enacted by the authority aforesaid, That the alderman, deputy, and common council men of each ward within the said city, or the major part of them whereof the alderman or deputy to be one, shall within fourteen days after the number of watchmen shall have been so appointed as aforesaid, assemble at some convenient place within their respective wards yearly and every year; and shall nominate and choose such honest and able-bodied men, to be employed as watchmen within their respective wards, as they shall think best qualified for the service; and shall then order, and set down in writing, at what stands it is fit for the said watchmen to be placed, and in what manner, and how often it shall be required of them to go their rounds; and shall then make such other orders and regulations concerning the watchmen and bedels, as the nature of each particular service shall appear to them to require; and if any of the said watchmen so by them appointed shall die within the time for which they are appointed to serve, or shall be negligent in his or their duty, or guilty of any misbehaviour, or if it shall be found necessary to repeal, amend, or alter any of the nominations, appointments, orders, or regulations by them made, it shall and may be lawful for the respective aldermen, by and with the advice and consent of their respective deputies and the common council men of each ward being convened by due notice, or the major part of them who shall be there present, at any intermediate times of the year, to remove any of the said watchmen so by them appointed, and to nominate and appoint one or more person or persons fitly qualified in the room and stead of him or them so dying, or of him or them who shall be removed for misbehaviour as aforesaid; and also to make such further orders and regulations for the better government and direction of the said watchmen and bedels within their respective wards, as they shall think proper: provided, That such orders and regulations be not repugnant to the regulations and orders which shall be made by the mayor, aldermen, and commons, in common council assembled.

Copy of or-
ders, &c. to
be given the
constables;

V. And be it further enacted by the authority aforesaid, That a true copy or transcript as well of all the orders and regulations made by the said court of common council, as of all such nominations, appointments, orders, and regulations, as shall be so made from time to time as aforesaid for the better direction and government of the watchmen and bedels by the aldermen, deputies, and common-council men of the said respective wards, shall be fairly written and signed by the alder-

man or his deputy, and the major part of the common council men of each ward, and shall be delivered to all and every the constables of the several precincts within the said respective wards; and that from and after the twenty fifth day of *December*, one thousand seven hundred and thirty seven, one or more of the said constables of each of the said wards, as shall be judged necessary by the said court of common council to be held as aforesaid, shall attend every night by turns, and shall keep watch and ward within their respective wards, in manner following; that is to say, from the said twenty fifth day of *December* to the tenth day of *March* following, from the hours of nine in the evening, till seven the next morning; and from thenceforth yearly and every year the said constables shall attend from the tenth of *March* to the tenth of *September*, from the hours of ten in the evening till five the next morning; and from the tenth of *September* to the tenth of *March*, from nine in the evening till seven the next morning; and the said constables shall in their several turns or courses of watching use their best endeavours to prevent fires, murders, burglaries, robberies, and other outrages and disorders; and to that end shall and they are hereby impowered and required to arrest and apprehend all night-walkers, malefactors, and suspected persons, who shall be found wandering or misbehaving themselves, and shall carry the person or persons who shall be so apprehended, as soon as conveniently may be, before one or more justice or justices of the peace of and for the said city, to be examined and dealt with according to law; and shall twice or oftener at convenient times in every night go about their respective wards, and take notice whether all the watchmen perform their duties in their several stations, according to such orders and regulations as shall have been made for that purpose by the lord mayor, aldermen, and commons of the said city in common council assembled, or by the aldermen, deputies, and common-council men of the respective wards; and in case any such watchman shall misbehave himself, or neglect his duty, the said constables, or one of them, shall, as soon as conveniently may be, give notice thereof to the alderman, or his deputy, for the time being, of the ward to which such watchman shall belong, to the end that the alderman, deputy, and common-council men may be forthwith summoned, for the examination and punishment of such offence.

VI. And be it further enacted by the authority aforesaid, Penalty of 20s. for default.
That if any of the said constables shall wilfully neglect to attend any night in his or their turn, to keep watch and ward within their respective wards, or shall not come to keep watch or ward at the respective hours appointed by this act for his and their attendance thereon, or shall depart from or leave keeping watch and ward during the respective hours appointed by this act for the keeping the same, or shall neglect in any night of his and their watching to go about his and their respective wards twice at the least in each night of his or their watching for the purpose

pose of this act, or shall otherwise misbehave himself or themselves against the duty prescribed to them by this act, in each and every of the said cases the person or persons so offending shall respectively forfeit the sum of twenty shillings for every such offence.

Watchmen
charge.

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said watchmen, or any of them, in the absence of the constable, and they are also hereby authorized and required in their several stations during the time of their keeping watch and ward as aforesaid to apprehend all night-walkers, malefactors, rogues, vagabonds, and all disorderly persons whom they shall find disturbing the publick peace, or shall have just cause to suspect of any evil designs, and to deliver the person or persons so apprehended, as soon as conveniently may be, to the constable of the night, who is hereby required to carry him, her, or them, as soon as conveniently may be, before one or more justice or justices of the peace of the said city, to be examined and dealt with according to law.

rol. Penalty
on collectors
refusing to
act.

VIII. And be it further enacted, That if any of the persons who shall from time to time be directed and appointed collectors of the several rates and assessments to be made in pursuance of this act, shall neglect or refuse to take upon him or them the said office, or duly to execute the same according to the true intent and meaning of this act, he or they shall respectively forfeit the sum of ten pounds, and shall continue liable to be appointed into the said office again the year following; and in case of his or their refusal they shall be again liable to the like penalties, as often as he or they shall refuse to take upon him or them the said office; and upon every such refusal of any person or persons so to be appointed collector or collectors as aforesaid, to take upon him or them the said office, or in case of death after such appointment, it shall and may be lawful for the alderman, deputy, and common-council men of such ward, or the major part of them, to direct and appoint any other person or persons inhabiting in such ward, to be collector or collectors in the room or stead of such person or persons who shall so refuse to take upon him or them the said office, or shall die after such appointment; and in case such person or persons so directed and appointed shall refuse to take upon him or them the said office, he or they shall be liable to the like penalties as herein before are appointed for any constable or bedels, who shall refuse to take upon him or them the said office.

Collector's
duty.

IX. And be it further enacted by the authority aforesaid, That all and every the collector or collectors of the rates and assessments aforesaid, of every ward, shall collect the same quarterly, and shall severally enter in some book or books to be by them respectively kept for that purpose, the several sums which they shall from time to time receive on account of the said rates and assessments, and likewise the names of the persons from whom, and the particular times when, they received the same; which book and books they shall at all convenient times produce

upon

upon demand, and shew to the deputy or deputies of their respective wards; and they shall pay the money by them respectively received on account of the said rates and assessments into the hands of such deputy, as he or they shall receive the same, and in such manner as that such collector shall never have a sum exceeding five pounds so collected at one time in his or their hands by the space of five days; and if any of the said collectors shall neglect to make such entries, or shall refuse to produce and shew to the deputy of their respective wards the book or books hereby directed to be by them respectively kept for the purposes aforesaid (the same having been demanded of them) or if any of them shall keep or retain in his or their hands more than the said sum of five pounds longer than five days; in each and every the said cases the person or persons so offending shall respectively forfeit the sum of forty shillings for every such offence; and on payment of every such sum of money into the hands of such deputy of each ward, such collector or collectors shall take a receipt for the same from the said deputy, in which receipt shall be specified and expressed the name of such collector or collectors, the sum paid, and the name of the precinct and ward wherein the money hath been collected; and the respective deputies for the time being shall be obliged, and he and they is and are hereby required, to give such receipt without fee or reward; and such receipts shall by the collector or collectors be produced to the alderman of the ward, at the time he and they shall settle and adjust his and their yearly account and accounts, and shall by the said alderman be taken and allowed as a full and sufficient discharge for all and every such sum and sums of money such collectors shall have received and paid to such deputies respectively as aforesaid; and the said several collectors shall within twenty days next after the end of every three months after their severally taking upon themselves the said office of a collector produce and deliver to the alderman of the said ward, or such person as he shall appoint to receive the same, the book and books in which they entered the sums by them severally received on account of the said rates; and shall at the same time give and deliver to the said alderman, or such person as he shall appoint to receive the same, a true account in writing of all such persons as shall have neglected or refused to pay the said rates and assessments, to the intent that the same may afterwards be recovered and levied.

X. And to the end that the payment of the said rates and assessments for the purposes aforesaid may be effectually enforced, be it further enacted by the authority aforesaid, That every freeman of *London* liable to pay the rates and assessments aforesaid, who shall have neglected or refused to pay the said rates and assessments to the person or persons authorized and impowered to collect and receive the same (the same having been lawfully demanded) or shall have desired to be excused from paying such rates and assessments, shall be under the same incapacity of voting at elections within the said city of *London*, as any person

Persons not
paying the
rates, incapa-
citated to vote
at elections.

or persons now is or are, who do not pay their scot and lot to the several yearly rates and taxes, to which the citizens of *London* are at this time liable.

Deputy's
charge.

XI. And be it further enacted by the authority aforesaid, That the deputy of each ward of the said city for the time being shall and may, and he is hereby authorized and required to pay all and singular the orders and draughts on him to be made by the alderman of such ward, with the advice of the major part of the common-council men of each ward respectively, in discharge of the watchmen and bedels, and other incident charges in relation to the watching of such ward, in pursuance of this act; and the said respective deputies of the wards for the time being, shall and are hereby required to keep regular and plain entries, in a book to be for that purpose by them severally provided, of all and singular the receipts and payments they shall make on account of the nightly watch and bedels within their respective wards as aforesaid, and other charges incident thereto; which books shall be produced yearly at the wardmote in each ward, if required: and also that the deputies respectively for the time being shall have the same account audited and passed between the first day of *February* and the first day of *March* yearly, by the alderman and the major part of the common-council men of each ward, in which the money so to be accounted for shall be collected.

Lord mayor,
or justices of
peace, are to
try offences
against this act,

XII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the lord mayor for the time being, or any two or more justices of the peace for the said city, to hear and determine any of the offences, which are made subject to and punishable by any pecuniary penalties directed to be levied by this act: and the said lord mayor, or such justices of the peace, are hereby authorized and required, upon any information exhibited, or complaint made in that behalf, within ten days after such offence committed, to summon the party or parties accused, and the witnesses on either side; and in case the said party or parties accused shall not appear on such summons (and after oath made of the commission of any the offences above-mentioned by one or more credible witness or witnesses) to issue a warrant or warrants for apprehending the party or parties offending in the said city of *London*; and upon the appearance of the party or parties accused, or his or their contempt in not appearing, upon the proof of notice given, to proceed to the examination of the witness or witnesses upon oath (which oath he or they are hereby authorized, empowered, and required to administer) and to give such judgment, sentence, and determination, as shall be just and conformable to the tenor and true meaning of this act; and where the party or parties accused shall be convicted of such offence, either upon such information as aforesaid, or on confession of the party or parties accused, it shall and may be lawful for such lord mayor or justices, to issue a warrant or warrants for levying the pecuniary penalties and forfeitures so adjudged on the goods

and to levy
penalties by
distress,

and

and chattels of the offender, or offenders, and to cause sale to be made thereof, in case they shall not be redeemed in five days, rendering to the party or parties the overplus (if any there be after deducting the reasonable charges of such distress and sale) upon demand; and in case any person or persons shall be so convicted as aforesaid, and no goods or chattels of such person or persons so offending can at the time of such conviction be found, then and in such case it shall and may be lawful to and for the lord mayor or justices of the peace before whom such person or persons shall be convicted as aforesaid, to commit such offender or offenders to the house of correction, there to be kept to hard labour for any time not exceeding the space of three months, or until such pecuniary penalty or penalties shall be paid.

XIII. Provided nevertheless, That it shall and may be lawful to and for such lord mayor or justices of the peace, from time to time (where they see cause) to mitigate, compound, or lessen any of the said forfeitures or penalties as he or they in their discretion shall think fit (so as such mitigation do not extend to remit above one moiety of the penalty or penalties inflicted and directed to be levied by this act) and every such mitigation shall be a sufficient discharge to the person offending respectively, for so much of the said penalty or forfeiture as shall be so lessened, mitigated, or remitted. or mitigate them.

XIV. Provided also, That if any person or persons shall find him, her, or themselves aggrieved, or remain unsatisfied in the judgment of the said lord mayor, or justices, then such person or persons shall and may by virtue of this act complain or appeal to the justices of the peace at the next quarter sessions to be held for the said city of London; who are hereby impowered and required to summon and examine witnesses upon oath, and finally to hear and determine the same; and in case of conviction to issue a warrant or warrants for levying and compelling by such means as aforesaid the payment of the said penalties and forfeitures. Appeal to the quarter sessions.

XV. And it is hereby further enacted by the authority aforesaid, That all the penalties to be levied by virtue of this act shall be paid and applied in manner following; that is to say, one moiety thereof to the person or persons who shall inform and prosecute for the same, and the other moiety to the alderman of the ward where such offence shall be committed, to be by him paid and applied for and towards defraying the charges and expences of the nightly watch and bedels and other charges incident thereto within such ward. Penalties how to be applied.

XVI. Provided always, and be it further enacted, That in case there shall be any deficiency in any one year's rate or assessment so to be made as aforesaid in any of the wards within the said city or liberties thereof, either by houses, shops, warehouses, buildings, or other tenements being empty, or by the insolvency or removal of any of the inhabitants, tenants, occupiers, or otherwise, for which or upon whom such rates and assessments are Deficiency in rates how to be supplied, &c.

respectively charged or chargeable by this act, so that the wages and allowances to watchmen and bedels and other incident charges cannot be fully satisfied, paid, and discharged in that year; then and in such case the deficiency so happening in the said ward shall be paid out of the next succeeding year's rate and assessment; and if there shall happen to be any surplus money collected by such rates and assessments as aforesaid in any of the said wards in any one year, such surplus shall be carried on to the credit of the account of the next year's rate and assessment, and shall be applied for such uses, and in such manner, as the rates and assessments collected in such ward are by this act directed to be laid out and applied, and to no other use or purpose whatsoever.

Houses let out
in lodgings
how to be as-
sessed.

XVII. *And whereas many houses in several of the wards of the said city are by the several landlords or owners thereof let out in lodgings or tenements to divers tenants, whereby it will be difficult to rate and assess such houses, or to recover such rates and assessments when made; for remedy whereof be it enacted by the authority aforesaid, That from and after the twenty fifth day of December,* which shall be in the year of our Lord one thousand seven hundred and thirty seven, it shall and may be lawful to and for the alderman of each respective ward, by and with the consent of his deputy and common council men, or the major part of them, from time to time and at all times when they are directed by the lord mayor, aldermen, and commons of the said city, in common council assembled, to make any rate and assessment on the inhabitants of their respective wards, to rate and assess the owner or owners of all such houses or tenements as shall be let to or occupied by three or more tenants; which rate and assessment shall be paid by one or more of the occupiers of any part or parts of such houses; and in case any occupier or occupiers of any part of such houses or tenements shall refuse to pay the same, then the said rate and assessment shall be levied by distress and sale of the goods of him, her or them so refusing to pay the same; which distress and sale shall be made in like manner as distresses and sales of the goods of other parties neglecting or refusing to pay the rates and assessments imposed and directed to be imposed by virtue of this act are directed to be made; and such occupier and occupiers of such tenements are hereby required and authorized to pay such sum and sums of money as shall be so rated, imposed, or assessed on the owner or owners thereof in pursuance of this act, and to deduct the same out of the rent thereof; and the landlord or owner or owners thereof are hereby required to allow such deductions and payments upon receipt of the residue of their rents; and every tenant paying such assessment or assessments shall be acquitted and discharged for so much money as the said assessment or assessments shall amount unto, as if the same had been actually paid to such person or persons to whom his, her, or their rent should have been due or payable.

Persons rated.

XVIII. Provided always, and it is hereby enacted and declared,

clared, That no person or persons, who shall be rated and assessed and pay to any rate and assessment to be made in pursuance of this act, shall be liable to any watch or ward by virtue of the statute commonly called *The statute of Winchester*, made in the thirteenth year of King Edward the First, or any other subsequent statutes relating thereto, but shall be and are hereby discharged of and from the same.

XIX. *And whereas by an act of parliament made and passed in the twenty second and twenty third years of the reign of his late majesty King Charles the Second, intituled, An act for the better paving and cleansing the streets and sewers in and about the city of London, it is enacted (amongst other things) That from thenceforth the sole power and authority of ordering, designing, and regulating of the pitching and paving all the streets, lanes, and passages whatsoever within the said city and liberties, with the order and manner thereof, should be and remain in the mayor, commonalty, and citizens of the said city, to be executed by such persons as by the said mayor, aldermen, and commons, in common-council assembled, should be appointed, or by any seven or more of them, being all members of the said court; and it is also thereby further enacted, That for the better enabling the said mayor, commonalty, and citizens, to perform the works by the said statute appointed to be done, and for defraying the charge thereof, it should be lawful for the said persons so to be authorized, or any seven of them, as often as need should be, to impose any reasonable tax or assessment, as well upon the tenants and occupiers, as also upon the owners of houses, shops, or other tenements or hereditaments, whereof there should be no present occupier, to be levied by distress and sale of the goods of the parties refusing or neglecting to pay, as by the said act more fully may appear; but inasmuch as it frequently happens, that no distress can be found upon ground, houses, shops, or tenements, that lie vacant or untenanted, whereby the necessary taxes or assessments for paving the streets, lanes or passages, lying before such vacant ground, houses, shops or tenements, cannot be levied, by reason whereof such part of the said streets, lanes, and passages often remains unpaved, to the great nuisance of the publick; for remedy whereof, be it enacted by the authority aforesaid, That from and after the twenty fourth day of June, one thousand seven hundred and thirty seven, it shall and may be lawful to and for the said persons now authorized, or hereafter to be authorized, by virtue of the said statute as aforesaid, or any seven or more of them, to order such parts of the respective streets, lanes and passages, as lie before such vacant or untenanted ground, houses, shops, or tenements, as often as need shall be, to be well and sufficiently paved, cleansed, and amended, and to impose such tax or assessment on the owner or owners thereof, as shall be necessary for the doing the same; all which taxes and assessments shall be paid, for and upon the account of such owner or owners thereof, by him, her or them, who shall from time to time be the next and first occupier or occupiers of such ground, houses, shops, or tenements, after the making or imposing such tax or assessment; and in case such occupier or occupiers shall*

not liable to
any watch.

Act 22 & 23
Car. 2. c. 17.

Assessments
on untenanted
grounds,
&c. how to be
made.

refuse to pay the same, then the said taxes and assessments shall be levied by distress and sale of the goods and chattels of him, her, or them, so refusing to pay the same: which distress and sale shall be made in such manner as distresses and sales thereof are directed to be made by the said statute; and all and every such first occupier and occupiers are hereby required and authorized to pay such sum and sums of money, as shall be so rated, imposed, or assessed on the owner or owners of such ground, houses, shops, or tenements, in pursuance of this act, and to deduct the same out of the rent thereof; and the landlord or landlords, or owner or owners thereof, are hereby required to allow such deductions and payments upon receipt of the residue of their rents; and every tenant paying such taxes or assessments shall be acquitted and discharged for so much money, as the said taxes or assessments shall amount unto, as if the same had been actually paid to such person or persons, to whom his, her, or their rent should have been due or payable.

Taxes on vacant grounds, &c. to be paid out of the city cash,

and repaid by the next occupiers,

XX. And, to the end that all and every the pavements lying before any vacant or untenanted ground, house, shop, or tenement, in any of the streets, lanes, or passages, may from time to time be effectually amended; be it further enacted by the authority aforesaid, That the chamberlain of the said city for the time being, shall pay all and every the taxes and assessments which shall be imposed or assessed upon the owner or owners of such vacant or untenanted ground, houses, shops, or tenements, during the time the same shall so continue vacant or untenanted, out of the city cash; but in case after such payment by the said chamberlain any of the said taxes or assessments shall be paid or levied by or upon the tenant or tenants thereof, who shall afterwards occupy the same, then and in every such case, the same shall forthwith be repaid into the chamber of the said city.

Posts to be set up for foot-passages.

XXI. And whereas from the great increase of coaches, carts, and other carriages, and their frequent passing through the streets, lanes, and passages of the said city, it is become necessary for the safety and convenience of all persons passing within the said city, that posts should be set up in many streets, lanes, and other passages, where now there are none, to preserve a foot-passage; be it therefore further enacted by the authority aforesaid, That from and after the twenty fourth day of June, one thousand seven hundred and thirty seven, it shall and may be lawful for the said persons authorized and to be authorized as aforesaid, or any seven of them, to order, design, and set up posts in all or any the streets, lanes, and passages whatsoever, where need shall be, within the said city and liberties, to preserve foot-passages; which power shall be exercised in the same manner as the power vested in them by the said statute, For the better paving and cleansing the streets and sewers in and about the said city; and for enabling them to execute and perform the works last mentioned and appointed to be done, it shall also be lawful for them, or any seven of them, to make such taxes and assessments as shall be reasonable, to be charged and levied in the same manner as the other taxes and assessments may

may be and are directed to be charged and levied by the aforesaid statute, or by so much of this present act as relates to the paving of the said streets, and in as full and ample manner to all intents and purposes whatsoever as if the same was herein particularly recited.

XXII. And be it further enacted by the authority aforesaid, Limitation of actions.
That if any action or suit shall be brought or commenced against any person or persons for any matter or thing to be done in pursuance of this act, then and in such case the action or suit shall be brought or commenced within six months next after the fact committed, and not afterwards, and shall be laid and brought in the city of *London*, and not elsewhere; and the defendant or defendants in such action or suit to be brought shall and may plead the general issue, and give this act and the special General issue. matter in evidence at any trial to be had thereupon; and if the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or actions, suit or suits, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and Treble costs. have such remedy for the same, as any defendant or defendants hath or have in any other cases by law.

XXIII. And be it further enacted by the authority aforesaid, Publick act.
That this act shall be deemed, adjudged, and taken to be a publick act, and be judicially taken notice of as such by all judges, justices, and other persons whatsoever, without specially pleading the same.

CAP. XXIII.

An act for explaining, and amending, and making more effectual several acts of parliament made in the fourth, sixth and tenth years of the reign of his late majesty King George the First, respectively, for repairing the several roads therein mentioned, in the counties of Surrey, Kent and Suffex; and for enlarging the terms and powers by the said acts granted; and for repairing the road lying between Nonesuch and Worcester parks, in the parish of Cuddington, in the said county of Surrey.

The acts are continued from 25 March 1762, for 15 years; and the tolls increased. Continued by 25 Geo. 2. c. 51.

CAP. XXIV.

An act for enlarging the term and powers granted by an act passed in the ninth year of the reign of his late majesty King George the First, intituled, *An act for repairing and widening the road leading from the Black Bull Inn in Dunstable in the county of Bedford, to the way turning out of the said road up to Shafford House in the county of Hertford*; and for preventing the driving of cattle through private grounds and passages, to avoid the payment of the toll charged upon cattle by an act of the first year of the reign of his late Majesty, and the eighth year of the reign of his present Majesty, *For repairing the roads from South Mims to Saint Albans, in the said county of Hertford.*

The act is further continued for 21 years. Continued by 24 Geo. 2. c. 10.

CAP. XXV.

An act for the better regulating the nightly watch and bedels within the liberty of Saffron Hill, Hatton Garden, and Ely Rents; in the parish of Saint Andrew, Holbourn, in the county of Middlesex.

WHEREAS the well ordering and regulating a nightly watch and bedels within the liberty of Saffron Hill, Hatton Garden, and Ely Rents, in the parish of Saint Andrew, Holbourn, in the county of Middlesex, is of great importance for the preservation of the persons and properties of the inhabitants thereof, and very necessary to prevent, as well the mischiefs which may happen from fires, as murders, burglaries, robberies and other outrages and disorders: and whereas by the laws now in being no effectual provision is made for the establishing, ordering, and well governing such nightly watch and bedels within the said district, for levying and collecting any sums of money for defraying the necessary charges thereof, or for enforcing a due application and just account of any money so levied and collected for that purpose: for remedy of the aforesaid inconveniencies; may it please your most excellent Majesty, that it may be enacted, &c.

Trustees to be elected; to appoint watchmen, bedels, and their wages, and the pound rate to be made. Copies of orders, &c. to be given to the constables, &c. Trustees to make assessments and appoint collectors. Appeal, in case of grievance, to be made to the quarter-sessions. Assessments not to exceed 6d. per pound of the yearly rent. Persons paying the rates not intitled to settlements, &c. An account of the monies collected, to be registred, &c. Persons hereby rated discharged from watch and ward.

CAP. XXVI.

An act for relief of insolvent debtors. EXP.

Sheriffs and gaolers to deliver a list of their prisoners, &c. to the justices, &c. To be kept by the clerk of the peace. Persons inserted in the lists, and prisoners, shall be discharged. They are to deliver in a schedule of their estates, &c. on oath. Schedule vested in the clerk of the peace, who is to assign it to the creditors, to be divided among the creditors. Justices who grant warrants for bringing prisoners to the quarter-sessions, shall give notice to be served on the creditors. Prisoners to give like notice to the creditors, and publick notice in the Gazette, 30 days before sessions. The prisoner's oath not being disproved, &c. the justices are to discharge him. Debtors having served an apprenticeship, or employed in any trade, or in the sea service, and actually beyond sea, may surrender themselves, and be intitled to the benefit of the act, but subject to the same restrictions as the other prisoners. Prisoner forswearing himself, guilty of felony. Prisoner discharged for debts before 1 Jan. 1736. shall not be imprisoned for the same again. Persons discharged may plead generally in discharge of their persons from execution. Plaintiff may reply generally, and deny the matters pleaded. Not to extend to Scotland. Debtors in gaols only for fees, discharged. Not to discharge debtors to the crown, or owing above 500l. to one person; but creditor to allow 3s. 6d. per week for his maintenance. Discharges to be obtained before 1 January, or excluded. Discharge obtained fraudulently, void. Creditors may compel debtors who choose to continue in prison to give an account upon oath of their effects, &c. on 30 days notice in the Gazette. Such prisoners to be examined as the rest. Prisoners upon processes out of courts of conscience to have the bene-

benefit of the act. Bankrupts not obtaining a certificate of discharge, &c. not benefited hereby.

CAP. XXVII.

An act for laying a duty upon apples imported from foreign parts; and for continuing an act passed in the fourth year of the reign of his present Majesty, For granting an allowance upon the exportation of British made gunpowder; and for taking off the drawback upon exportation of foreign paper; and for the better securing the payment of the bounty on the exportation of British made sail cloth; and for giving further time for the payment of duties omitted to be paid for the indentures and contracts of clerks and apprentices.

WHEREAS great frauds are and have been committed in the **Preamble.**
importation of apples from foreign parts to the diminution of his Majesty's revenue, in regard the same are an unrated commodity, and now subject to and paying a duty ad valorem only upon the oath of the importer; we your Majesty's most dutiful and loyal subjects the commons of Great Britain in parliament assembled do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That there shall be raised, levied, answered and paid unto and for the use of his Majesty, his heirs and successors, for and upon all apples, which at any time or times after the twenty fourth day of June, one thousand seven hundred and thirty seven, shall be imported or brought into the kingdom of Great Britain, over and above all customs, subsidies and duties already imposed thereon, an additional duty to be reckoned after the rate of two shillings for every bushel, and so proportionably for a greater or less quantity, to be paid down in ready money by the importers from time to time before the landing of the same respectively.

Additional
duty of 2s.
per bushel,

II. And be it enacted by the authority aforesaid, That the **how to be le-**
said additional duty upon apples imported shall be raised, levied, recovered, and paid, and be brought into his Majesty's exchequer, and applied (except the necessary charges of management thereof) by such rules, ways, means, and methods, and under such penalties and forfeitures, and in such manner and form, as the other duties upon apples imported, or any of them, are by any act or acts of parliament prescribed or appointed to be raised, levied, recovered, answered, paid and applied.

III. And whereas an act passed in the fourth year of the reign of **Act of 4**
his present Majesty, intituled, An act for granting an allowance up- Geo. 2. c. 29.
on the exportation of British made gunpowder, is near expiring, continued for
which act hath been found very useful and beneficial to his Majesty's seven years.
trading subjects; be it further enacted by the authority aforesaid, Continued by
24 Geo. 2. c. 52.

That

That the said last mentioned act, and all and every the authorities, powers, and clauses therein contained, shall be and continue in full force, and shall be executed, from and after the expiration of the term thereby granted, for and during the further term of seven years, and from thence to the end of the then next session of parliament, in as full and ample manner as if the same were again repeated and re-enacted in the body of this present act.

No drawback
on foreign pa-
per exported.

IV. *And whereas the drawbacks allowed upon the exportation of foreign paper tend to the great discouragement of the manufacture of paper within the kingdom of Great Britain; be it therefore enacted by the authority aforesaid, That from and after the twenty fourth day of June, one thousand seven hundred and thirty seven, there shall not be allowed or made on the re-exportation of any foreign paper any drawback or repayment of any of the customs or duties charged and paid on the importation thereof into this kingdom by any act or acts of parliament; any law, custom, or usage to the contrary thereof in any wise notwithstanding.*

Reward due
to exporters
of British sail
cloth how to
be paid, in case
the collectors
of customs
have not suf-
ficient money.

V. *And whereas the making of sail cloth in Great Britain is greatly increased, and hath given a comfortable support and maintenance to many of his Majesty's subjects employed therein, from the great encouragements given thereto by parliament; videlicet, by laying an additional duty of one penny per ell upon the importation of foreign made sails and sail cloth, and taking off the drawback on the exportation thereof, and by admitting rough or undrest flax (of which sail cloth is usually made) to be imported free of all duties, and by giving a reward or recompence of two pence for every ell of British made sail cloth or canvas, fit for or made into sails, exported by way of merchandize, payable out of the said additional duty of one penny per ell on foreign made sails and sail cloth imported; and forasmuch as in many ports of this kingdom, from which British made sail cloth is exported, there is not so much money collected and received for the said additional duty of one penny per ell, as is or may be sufficient to pay the said reward or recompence, whereby the exporters at such ports are under great discouragement, and cannot have the benefit of the said reward or recompence as in other ports, where such reward or recompence is duly paid; for remedy thereof, be it enacted by the authority aforesaid, That if the collector of the customs in any port of this kingdom shall not have sufficient money in his hands arising by the said additional duty of one penny per ell, to satisfy and pay such reward or recompence, as is or shall be due to any exporters of British made sail cloth or sails as aforesaid, that then such collector shall give to the person intitled to such reward or recompence a certificate under his hand attested by the comptroller, of what is due to such person for such British sail cloth or sails so exported, certifying to the commissioners of the customs at London or Edinburgh respectively, that he hath not money in his hands on the branch aforesaid sufficient to pay the same; which certificate being affixed to or wrote upon the debenture for the same, and being produced to the said respective commissioners, they are hereby authorized and required on demand*

mand by the person who shall bring the same, to cause the monies thereby due to be paid in three months by the respective receivers general or cashiers of the customs, out of such monies as are or shall be in their hands, arising by the additional duty of one penny per ell as aforesaid.

VI. And for the relief of any person or persons, who through neglect or inadvertency have omitted to pay the several rates and duties, or any part thereof, upon monies given, paid, contracted or agreed for, with or in relation to any clerk, apprentice or servant, which hath been put or placed to or with any master or mistress to learn any profession, trade or employment, and to have such indentures or other writings, which shall contain the covenants, articles, contracts or agreements relating to the service of such clerk, apprentice or servant, stamped within the times by the several acts of parliament for those purposes respectively limited, or who have also in like manner omitted to insert and write in words at length in such indentures or other writings as aforesaid, the full sum or sums of money, or any part thereof received, or in any wise directly or indirectly given, paid, agreed or contracted for, with, or in relation to every such clerk, apprentice, or servant as aforesaid; be it enacted by the authority aforesaid, That upon payment of the rates and duties upon monies, or such part of such monies, so neglected or omitted to be paid as aforesaid, on or before the twenty fourth day of *June*, one thousand seven hundred and thirty seven, to such person or persons to whom the same ought to be paid, and tendering the said indentures or other writings, to be stamped at the same time, or at any time on or before the twenty ninth day of *September*, one thousand seven hundred and thirty seven, of which timely notice is to be given in the *London Gazette*, the same indentures, or other writings, shall be good and available in law or equity, and may be given in evidence in any court whatsoever; and the clerk, apprentice, or servant therein named, shall be capable of following and exercising their respective intended trades or employments, as fully as if the said rates and duties so omitted had been duly paid, and the full sum or sums received or agreed for as aforesaid had been inserted; and the persons who have incurred any penalties by the omissions aforesaid, shall be acquitted and discharged of and from the said penalties; any thing in this or the said former acts to the contrary in any wise notwithstanding.

Clause of relief
for clerks, ap-
prentices, &c.

CAP. XXVIII.

An act to explain and amend so much of an act made in the twelfth year of the reign of Queen Anne, intituled, An act for reducing the laws relating to rogues, vagabonds, sturdy beggars, and vagrants, into one act of parliament; and for the more effectual punishing such rogues, vagabonds, sturdy beggars, and vagrants, and sending them whither they ought to be sent, as relates to common players of interludes.

WHEREAS by an act of parliament made in the twelfth year of the reign of her late majesty Queen Anne, intituled, An act for reducing the laws relating to rogues, vagabonds, sturdy beggars, and vagrants, into one act of parliament; and for the more effectual punishing such rogues, vagabonds, sturdy beggars, and vagrants, and sending them whither they ought to be sent, it was enacted, That all persons pretending themselves to be patent gatherers or collectors for prisons, gaols, or hospitals, and wandering abroad for that purpose, all fencers, bearwards, common players of interludes, and other persons therein named and expressed, shall be deemed rogues and vagabonds: and whereas some doubts have arisen concerning so much of the said act as relates to common players of interludes: now for explaining and amending the same, be it declared and enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of June, one thousand seven hundred and thirty seven, every person who shall, for hire, gain, or reward, act, represent, or perform, or cause to be acted, represented, or performed, any interlude, tragedy, comedy, opera, play, farce, or other entertainment of the stage, or any part or parts therein, in case such person shall not have any legal settlement in the place where the same shall be acted, represented, or performed, without authority by virtue of letters patent from his Majesty, his heirs, successors or predecessors, or without licence from the lord chamberlain of his Majesty's household for the time being, shall be deemed to be a rogue and a vagabond within the intent and meaning of the said recited act, and shall be liable and subject to all such penalties and punishments, and by such methods of conviction, as are inflicted on or appointed by the said act for the punishment of rogues and vagabonds who shall be found wandering, begging, and misordering themselves, within the intent and meaning of the said recited act.

II, And be it further enacted by the authority aforesaid, That if any person having or not having a legal settlement as aforesaid shall, without such authority or licence as aforesaid, act, represent, or perform, or cause to be acted, represented, or performed, for hire, gain, or reward, any interlude, tragedy,

Persons acting
plays, &c. in
any place
where they
have not a set-
tlement, or
without au-
thority, &c.

to be deemed
vagabonds,

Rex v Neville
1 B & A
489
Ley & Bates
3 RHP 249

comedy, opera, play, farce, or other entertainment of the stage, or any part or parts therein, every such person shall for every such offence forfeit the sum of fifty pounds; and in case the said sum of fifty pounds shall be paid, levied, or recovered, such offender shall not for the same offence suffer any of the pains or penalties inflicted by the said recited act. and forfeit 50l.

III. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, one thousand seven hundred and thirty seven, no person shall for hire, gain, or reward, act, perform, represent, or cause to be acted, performed, or represented, any new interlude, tragedy, comedy, opera, play, farce, or other entertainment of the stage, or any part or parts therein; or any new act, scene, or other part added to any old interlude, tragedy, comedy, opera, play, farce, or other entertainment of the stage, or any new prologue, or epilogue, unless a true copy thereof be sent to the lord chamberlain of the King's household for the time being fourteen days at least before the acting, representing, or performing thereof, together with an account of the playhouse or other place where the same shall be, and the time when the same is intended to be first acted, represented, or performed, signed by the master or manager, or one of the masters or managers of such playhouse, or place, or company of actors therein. No new plays, or additions to old ones, to be acted, unless a copy thereof be sent to the chamberlain, &c.

IV. And be it enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, one thousand seven hundred and thirty seven, it shall and may be lawful to and for the said lord chamberlain for the time being, from time to time, and when, and as often as he shall think fit, to prohibit the acting, performing, or representing, any interlude, tragedy, comedy, opera, play, farce, or other entertainment of the stage, or any act, scene, or part thereof, or any prologue, or epilogue; and in case any person or persons shall for hire, gain, or reward, act, perform, or represent, or cause to be acted, performed, or represented, any new interlude, tragedy, comedy, opera, play, farce, or other entertainment of the stage, or any act, scene, or part thereof, or any new prologue or epilogue, before a copy thereof shall be sent as aforesaid with such account as aforesaid, or shall for hire, gain, or reward, act, perform, or represent, or cause to be acted, performed, or represented, any interlude, tragedy, comedy, opera, play, farce, or other entertainment of the stage, or any act, scene, or part thereof, or any prologue or epilogue, contrary to such prohibition as aforesaid; every person so offending shall for every such offence forfeit the sum of fifty pounds, and every grant, licence, and authority (in case there be any such) by or under which the said master or masters or manager or managers set up, formed, or continued such playhouse, or such company of actors, shall cease, determine, and become absolutely void to all intents and purposes whatsoever. and persons acting against his prohibition, &c. to forfeit 50l. and their licence.

V. Provided always, That no person or persons shall be authorized by virtue of any letters patent from his Majesty, his heirs, successors or predecessors, or by the licence of the lord chamberlain, No plays to be acted but in Westminster, or places

of his Majesty's residence.

chamberlain of his Majesty's household for the time being, to act, represent, or perform, for hire, gain, or reward, any interlude, tragedy, comedy, opera, play, farce, or other entertainment of the stage, or any part or parts therein, in any part of *Great Britain*, except in the city of *Westminster*, and within the liberties thereof, and in such places where his Majesty, his heirs or successors, shall in their royal persons reside, and during such residence only; any thing in this act contained to the contrary in any wise notwithstanding.

Penalties how to be recovered.

VI. And be it further enacted by the authority aforesaid, That all the pecuniary penalties inflicted by this act for offences committed within that part of *Great Britain*, called *England*, *Wales*, and the town of *Berwick upon Tweed*, shall be recovered by bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, in which no esoin, protection, or wager of law shall be allowed; and for the offences committed in that part of *Great Britain* called *Scotland*, by action or summary complaint before the court of session or justiciary there; or for offences committed in any part of *Great Britain*, in a summary way before two justices of the peace for any county, stowatry, riding, division, or liberty, where any such offence shall be committed, by the oath or oaths of one or more credible witnesses or witnesses, or by the confession of the offender, the same to be levied by distress and sale of the offender's goods and chattels, rendering the overplus to such offender, if any there be above the penalty and charge of distress; and for want of sufficient distress the offender shall be committed to any house of correction in any such county, stowatry, riding, or liberty, for any time not exceeding six months, there to be kept to hard labour, or to the common gaol of any such county, stowatry, riding, or liberty, for any time not exceeding six months, there to remain without bail or mainprize; and if any person, or persons, shall think him, her, or themselves aggrieved by the order or orders of such justices of the peace, it shall and may be lawful for such person or persons to appeal therefrom to the next general quarter sessions to be held for the said county, stowatry, riding, or liberty, whose order therein shall be final and conclusive; and the said penalties for any offence against this act shall belong, one moiety thereof to the informer or person suing or prosecuting for the same, the other moiety to the poor of the parish where such offence shall be committed.

Persons acting in publick houses included in this act.

VII. And be it further enacted by the authority aforesaid, That if any interlude, tragedy, comedy, opera, play, farce, or other entertainment of the stage, or any act, scene, or part thereof, shall be acted, represented, or performed in any house or place where wine, ale, beer, or other liquors shall be sold or retailed, the same shall be deemed to be acted, represented, and performed for gain, hire, and reward.

Exemption of actions.

VIII. And be it further enacted by the authority aforesaid, That no person shall be liable to be prosecuted for any offence against this act, unless such prosecution shall be commenced within

within the space of six calendar months after the offence committed; and if any action, or suit, shall be commenced or brought against any justice of the peace or any other person for doing, or causing to be done, any thing in pursuance of this act, such action or suit shall be commenced within six calendar months next after the fact done; and the defendant or defendants in such action or suit shall and may plead the general issue, and give the special matter in evidence; and if upon such action or suit, a verdict shall be given for the defendant or defendants, or the plaintiff or plaintiffs or prosecutor shall become nonsuit, or shall not prosecute his, or their said action or suit, then the defendant or defendants shall have treble costs, and shall have the like remedy for the same, as any defendant or defendants have in other cases by law.

General issue.

Treble costs.

CAP. XXIX.

An act for enabling his Majesty to settle a revenue for supporting the dignity of her royal highness the princess, in case she shall survive his royal highness the prince of Wales, and for exempting such yearly sum or sums of money, as his Majesty hath granted or shall grant to his said royal highness, from the payment of fees, taxes, and other charges whatsoever, and for enabling his said royal highness to make leases of lands, parcel of the duchy of Cornwall, or annexed to the same.

Most gracious Sovereign,

W E your Majesty's most dutiful and loyal subjects the commons of Great Britain in parliament assembled, being truly sensible how acceptable it will be to your Majesty, that a good, certain, and competent revenue be settled for supporting the honour and dignity of her royal highness the princess, in case she shall survive her royal consort the most excellent prince Frederick, prince of Wales, your Majesty's most dearly beloved son, and considering the happiness which (by the blessing of Almighty God) the subjects of these kingdoms cannot fail to enjoy, by a succession of princes derived from her, the early zeal and sufferings of whose family for the protestant cause ought never to be forgotten; and well knowing that by an act made in the first year of the reign of her late Majesty Queen Anne (of blessed memory) for preserving the inheritance of several revenues of the crown, intituled, An act for the better support of her Majesty's household, and of the honour and dignity of the crown, all grants thereof, (other than such as are therein expressed) are declared to be void; and that by an act made in the ninth year of her said late Majesty's reign, intituled, An act for establishing a general post office for all her Majesty's dominions; and for settling a weekly sum out of the revenue thereof for the service of the war and other her Majesty's occasions, it was enacted, That such part of the duties and revenues arising in or by the general letter office or post office which was thereby vested in her Majesty, her heirs and successors, and therein mentioned

1 Anne, stat.
1. c. 7.

9 Anne, c. 10.

The princeſs
of Wales, if
ſhe ſurvives
the prince, to
have an annu-
ity of
50,000 l.

for life, to be
paid quarter-
ly,

out of the re-
venues of the
poſt office,

to be undeterminable, ſhould not be alienable, chargeable, or grantable for any eſtate, term, or time whatſoever, to endure longer than the life of the King or Queen that ſhould make ſuch alienation, charge, or grant reſpectively; and that all gifts, grants, alienations, and aſſurances whatſoever, to be had or made of and charges upon the ſame duties and revenues or any part thereof contrary to the proviſion of that act ſhould be null and void; do nevertheless moſt humbly, cheerfully, and unaniouſly beſeech your Maſteſty that it may be enacted, and be it enacted by the King's moſt excellent maſteſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful to and for the King's moſt excellent maſteſty, by any letters patent or indenture, or by ſeveral letters patent or indentures, under the great ſeal of *Great Britain* hereafter to be made, to give and grant unto her ſaid royal highneſs the prince of *Wales*, or to ſuch other perſon or perſons as his Maſteſty ſhall think fit to be named in ſuch letters patent, indenture or indentures, and his or their heirs, to the uſe of or in truſt for the ſaid princeſs, one annuity or yearly ſum of fifty thouſand pounds of lawful money of *Great Britain*, which annuity or yearly ſum of fifty thouſand pounds, and every part thereof, ſhall commence and take effect immediately from and after the deceaſe of his Maſteſty's ſaid dearly beloved ſon, and continue from thenceforth for and during the natural life of the ſaid princeſs, and ſhall be paid and payable at the four moſt uſual feaſts or days of payment in the year (that is to ſay) the feaſt of Saint *Michael* the archangel, the birth of our Lord Chriſt, the annunciation of the bleſſed virgin *Mary*, and the nativity of Saint *John* the Baptiſt, by even and equal portions, the firſt payment thereof to be made at ſuch of the ſaid feaſts as ſhall firſt and next happen after the deceaſe of his Maſteſty's ſaid dearly beloved ſon, in caſe the ſaid princeſs ſhall ſurvive him as aforeſaid; and that the ſaid yearly ſum of fifty thouſand pounds ſhall be iſſuing and payable out of, and be charged and chargeable upon, ſuch duties and revenues as are herein after ſpecified, and in the proportions following (that is to ſay) the yearly ſum of forty thouſand pounds, part of the ſaid yearly ſum of fifty thouſand pounds, ſhall be iſſuing and payable out of and be charged and chargeable upon all the revenues and monies ariſing and to ariſe by virtue or in purſuance of the ſaid act, intituled, *An act for eſta bliſhing a general poſt office for all her Maſteſty's dominions, and for ſettling a weekly ſum out of the revenues thereof for the ſervice of the war and other her Maſteſty's occaſions*, or by virtue or in purſuance of any proviſo, cla uſe, matter, or thing therein contained, or according to any other act or acts of parliament thereby referred unto, the weekly ſum of ſeven hundred pounds mentioned in the ſaid act of the ninth year of her late Maſteſty's reign during ſuch time as the ſaid weekly ſum is to continue, and any other monies by that act appointed to be reſerved for the uſe of the publick, always excepted and fore-
prized.

II. And

II. And it is hereby enacted, That the yearly sum of ten thousand pounds (being the remainder of the said yearly sum of fifty thousand pounds) shall, from and after the decease of the said prince of *Wales*, during the life-time of the said princess him surviving, be charged and chargeable upon, and be payable and paid at the days and times before-mentioned, to the use of the said princess, out of the hereditary rates and duties of excise upon beer, ale, and other liquors, which were granted to the crown by an act of the twelfth year of the reign of King *Charles the Second* (of blessed memory) confirmed by an act of parliament of the thirteenth year of his reign; and the rates and duties of excise, which were granted or continued to his said now Majesty during his life (which God long preserve) by an act of parliament in the first year of his reign, during the continuance thereof, shall likewise be charged and chargeable as an additional security for or towards making good such of the payments of the said yearly sum of ten thousand pounds as shall or may happen to incur and grow due after such decease of the said prince of *Wales*, during the joint lives of his Majesty and of the said princess.

III. Provided always, That nothing in this act contained, or to be contained in such letters patent, indenture or indentures as aforesaid, shall extend to hinder or obstruct the payments of the weekly sum of three thousand seven hundred pounds, or the yearly sum of sixteen thousand two hundred sixty three pounds, eight shillings, and eleven pence, by former acts of parliament charged upon the said rates and duties of excise, or some of them, or the application thereof to the respective uses intended by such former acts concerning the same; any thing herein contained to the contrary notwithstanding.

IV. And be it enacted by the authority aforesaid, That if the said revenue of the post office, applicable to the payment of the said yearly sum of forty thousand pounds, shall at the end of any quarter of a year be insufficient to answer the quarterly payment then due out of the same according to the true meaning of this act, then and in every such case the comptroller of the said office for the time being shall and he is hereby required without fee or charge to make a certificate in writing of the sum which shall be then wanting to complete the said quarterly payment, and deliver the same to the said princess, or her order, and upon producing thereof the commissioners of the treasury, or high treasurer for the time being, shall cause every such deficiency to be satisfied out of any overplus monies of the said rates and duties of excise, or out of some other monies arising or to arise by any hereditary branches of revenue belonging to his Majesty, his heirs or successors, being appointed for the uses of the civil government, with preference to all other payments hereafter to be charged upon such overplus monies or other branches by subsequent act or acts of parliament, or grants hereafter to be passed; and if the said rates and duties of excise, applicable to the payment of the said yearly sum of ten thousand pounds shall at the

end of any quarter of a year be insufficient to answer the quarterly payment then due out of the same according to the true meaning of this act, then and in every such case the comptroller of excise for the time being shall and he is hereby required without fee or charge to make a certificate in writing of the sum which shall be then wanting to complete such quarterly payment, and deliver the same to the said princess, or her order; and upon producing thereof the commissioners of the treasury, or high treasurer for the time being, shall cause every such deficiency to be satisfied out of any overplus monies of the said post office revenues, or out of some other monies arising or to arise by such hereditary branches of the revenue appointed for uses of the civil government as aforesaid, with preference to all payments hereafter to be charged upon such overplus monies, or other branches, by any subsequent act or acts of parliament, or grants hereafter to be passed; any thing in this act, or any other law or statute whatsoever, to the contrary in any wise notwithstanding.

Who to pay
the said annuity.

V. And it is hereby enacted, That the said yearly sums amounting to fifty thousand pounds as aforesaid, shall be paid, and payable by and from the immediate hands of all and every the commissioners, farmers, treasurers, receivers, and collectors, for the time being of the said revenues respectively, without any fees or charges to be demanded or taken for paying the same or any part thereof; and the acquittance and acquittances of the said princess, or her trustees, or of her royal highness's receiver general for the time being, shall be a good and sufficient discharge, for the payment thereof, without any further or other warrant to be sued for, had or obtained in that behalf; and that the said annuity or yearly sum of fifty thousand pounds, and every part thereof shall be free and clear from all taxes, impositions, and other publick charges whatsoever; and if the said commissioners, farmers, treasurers, receivers, and collectors, for the time being, of the said duties and revenues, or any of them, shall refuse or neglect to pay the said respective yearly sums, or any part thereof, to the said princess, her receiver general, or trustees, that then the said princess, or such trustees as aforesaid, may sue, prosecute, or implead the said commissioners, farmers, treasurers, receivers, and collectors, or any of them, and all or any of their securities, heirs, executors, and administrators, by bill, plaint, or action of debt, and shall and may recover judgments, and sue out executions thereupon, against the said commissioners, farmers, treasurers, receivers, and collectors respectively, and their respective securities, heirs, executors, and administrators, for such sum and sums of money then due and owing upon the said annuities amounting to fifty thousand pounds *per annum*, or any part thereof, as shall be in the hands of the said commissioners, farmers, treasurers, receivers, and collectors respectively, of the said respective duties or revenues at the time when demand shall be made of the payment of the said yearly sum, or any part thereof.

VI. And

VI. And be it further enacted by the authority aforesaid, That all and every the powers, precepts, directions, and clauses to be contained in his Majesty's letters patent, indenture or indentures hereafter to be made, as aforesaid, for the better and more certain payment and assurance of the said yearly sums amounting to fifty thousand pounds *per annum*, and for making the said respective revenues liable thereunto, shall be and are hereby enacted to be good and effectual in the law, according to the tenor and purport thereof, in the said letters patent, indenture or indentures to be expressed, notwithstanding any restriction, or other matter or thing contained in the said act of parliament made in the first year of her late Majesty's reign, intituled, *An act for the better support of her Majesty's household, and of the honour and dignity of the crown*; and notwithstanding any restriction, or other matter or thing contained in the said act of the ninth year of her said late Majesty's reign for establishing the post office, and any mis-recital, non-recital, omission, or other defect in the said letters patent, indenture or indentures hereafter to be made, in any wise notwithstanding.

The King's letters patent to be effectual in law.

VII. Saving to all and every person and persons, bodies politick or corporate, their heirs, executors, administrators, and assigns (other than the King's majesty, his heirs and successors, and other than to such person or persons who do or may stand seized or possessed in trust for his Majesty, his heirs and successors) all such right, title, interest, and demand whatsoever, which they, or any of them have, or may have, of, in, or to, or out of the revenues aforesaid, or any part thereof, before the making of this act, as fully and effectually to all intents and purposes, as if this act had not been made; this act or any thing therein contained to the contrary notwithstanding.

Persons interested in the revenues not affected hereby.

VIII. And whereas his Majesty hath granted to his dearly beloved son the prince of Wales the yearly sum of fifty thousand pounds for support of himself and his family, to be paid out of the revenues appointed for defraying the charges of the civil government, and supporting the honour and dignity of the crown; be it further enacted and declared by the authority aforesaid, That such yearly sum or sums of money as his Majesty hath granted, directed, or appointed, or shall grant, direct, or appoint, to or for the use and benefit of the said prince of Wales, out of the revenues aforesaid, shall be paid to his royal highness, or to his use, or for his benefit, without any fees or charges to be demanded or taken by the officers of the exchequer, or any others, for payment thereof, and that the said yearly sum or sums of money, and every part thereof, shall be free and clear from all taxes, impositions, and other publick charges whatsoever; any law or statute to the contrary notwithstanding.

The 50,000 l. allowed the prince of Wales by his Majesty, free of taxes.

IX. And whereas the said prince now stands seized of the duchy of Cornwall, and the possession thereof, of an estate of inheritance under a special form of limitation differing from the ordinary rules of inheritance at common law, whereupon some questions may grow what estates in the same the said most excellent prince may legally grant, and

Leases of lands
in Cornwall
made by the
prince effec-
tual in law.

whether leases made by his said royal highness of any manors, lands, tithes, tenements, or hereditaments, parcel of the said duchy, or annexed to the same, will be good and effectual in law longer than for the life of his said royal highness; for avoiding of which doubt, and for the ease and quiet of the minds of such persons as have taken, or hereafter shall take, leases from the said prince, and to the end such persons may be sure to have good and indefeasible estates, and be encouraged to lay out monies in building and repairing, or otherwise improving the several lands and tenements to them demised, and to be demised; be it further enacted by the authority aforesaid, That all leases or grants made or to be made by his said royal highness, of any manors, offices, messuages, parks, lands, tithes, tenements or hereditaments, parcel of the possessions of the said duchy of Cornwall, or annexed to the same, shall be good and effectual in law, according to the purport and contents of the said leases or grants, against his Majesty, his heirs and successors, and against his said royal highness, and his heirs, and against all and every person and persons, who shall inherit or succeed to the said duchy, according to the said limitation, or otherwise.

Such leases to
be for no more
than 3 lives,
or 31 years,
&c.

X. Provided always, That every such lease or grant so made or to be made of any manors, offices, messuages, parks, lands, tithes, tenements or hereditaments in possession, be and shall be made for three lives, or fewer, or for thirty one years or under, or for some term of years determinable upon one, two, or three lives, and not above; and if such lease or grant be made in reversion or expectancy, that then the same together with the estates in possession do not exceed three lives, or the term of thirty one years, and be not in any wise made dishonourable of waste, and so as upon every such lease or grant be or shall be reserved the ancient or most usual rent or more, or such rent as hath been reserved, yielded or paid for such of the premises as are or shall be contained therein, for the greater part of twenty years next before the making of the said leases, and shall be reserved, due, and payable to such as shall have the inheritance or other estate of the said duchy, and where no such rent hath been reserved or payable, that then upon every such lease there be or shall be reserved a reasonable rent, not being under the twentieth part of the clear yearly value of the manors, messuages, parks, lands, tithes, tenements or hereditaments contained in such lease or grant.

Confirmation
of the validity
of such leases.

XI. And be it further enacted by the authority aforesaid, That all covenants, conditions, reservations, and agreements contained in every such lease or grant so made or to be made as aforesaid shall be good and effectual in law, according to the words and contents of the same, as well for and against them to whom the reversion of the same manors, offices, messuages, parks, lands, tithes, tenements or hereditaments shall come, as for and against them to whom the interest of such leases shall come respectively, as if his said royal highness the prince

ac

at the time of making such covenants, conditions, reservations, and agreements, had been seised of an absolute estate in fee simple in the same manors, offices, messuages, parks, lands, tithes, tenements, or hereditaments.

XII. Saving always, to all and every person and persons, ^{Persons rights} bodies politick and corporate, their heirs and successors, ^{in the said du-} cutors, administrators and assigns (other than his said Majesty, ^{chy not affect-} his heirs and successors, and other than his said royal highness the prince, and his heirs, and all and every person and persons that shall hereafter have, inherit, and enjoy the said duchy of *Cornwall* by force of any act of parliament or other limitation whatsoever) all such rights, titles, estates, customs, interests, tenures, terms, claims and demands whatsoever, of what nature, kind, or quality soever, of, in, to, or out of the said manors, offices, messuages, parks, lands, tithes, tenements or hereditaments, or any of them, parcel of or annexed to the said duchy of *Cornwall*, as they or any of them had or ought to have had before the making of this act, to all intents and purposes, and in as large and ample manner and form, as if this act had never been made; this act or any thing herein contained to the contrary notwithstanding.

CAP. XXX.

An act for repealing the duties payable ad Valorem, upon foreign oysters imported into this kingdom, and for laying another duty thereon.

Most Gracious Sovereign,

WHEREAS the several duties upon oysters imported into this ^{Preamble,} kingdom, are now payable according to the value sworn to or affirmed by the importers, which method of ascertaining the value of such oysters by experience has been found to be liable to great frauds, such importers frequently undervaluing the oysters so imported, to the detriment of the publick revenue and discouragement of the oyster dredgers of this kingdom; for remedying the said abuse, as well as encouraging our own fishery, we your Majesty's most dutiful and loyal subjects the commons of *Great Britain*, in parliament assembled, do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all provisions and clauses contained in any former act or acts of parliament, so far as they relate to the ascertaining the value of oysters imported from *France* according to the oaths or affirmations of the importers, shall from and after the twenty fourth day of *June*, one thousand seven hundred and thirty seven, be and are hereby repealed and made void.

II. And be it further enacted by the authority aforesaid, ^{Former acts relating to the value of French oysters repealed.} That in lieu of the said former duties payable *ad Valorem*, ^{rated at 7 d. and per bushel.}

and repealed by this act, all oysters which shall at any time or times after the said twenty fourth day of *June*, one thousand seven hundred and thirty seven, be imported from *France* into any port or place within this kingdom, shall upon the importation thereof be rated at seven pence *per* bushel strike measure, according to the *Winchester* corn bushel, and shall pay the old subsidy granted by the act of tonnage and poundage made in the twelfth year of the reign of King *Charles* the Second, according to that rate and measure, and not according to the values sworn to, or affirmed by the importers, and in that proportion for a greater or less quantity.

Old subsidy,
&c. to be paid
according to
the rate.

III. And be it further enacted by the authority aforesaid, That in all cases where any of the said oysters are by law subject or liable to the payment of the further subsidy, the one third subsidy, the two thirds subsidy, the additional impost, or the duty payable upon goods imported from *France*, or any of them, according to the respective values set thereon for the said old subsidy, or in proportion thereto, the same shall from and after the said twenty fourth day of *June*, one thousand seven hundred and thirty seven, be paid proportionably according to the particular value set thereon for the old subsidy aforesaid, and not according to the oath or affirmation of the importer; any thing in the respective acts, which granted the said duties, or in any other act to the contrary notwithstanding.

No drawback
on exportation.

IV. And be it declared and enacted by the authority aforesaid, That upon the exportation of any of the said oysters so imported, within the time allowed by law, the duties paid or secured for the same at importation as aforesaid, shall not be drawn back or allowed to the exporter.

Duties how to
be levied.

V. And be it enacted and declared by the authority aforesaid, That the several subsidies, impositions, and duties upon the said oysters, shall be paid or secured, and shall be raised, levied, and collected in such manner and form, and by such ways and means, and under such penalties and forfeitures, and with such discounts and allowances, as are mentioned and expressed in the several acts of parliament which granted or continued the same respectively; and all powers, penalties, provisions, articles and clauses therein contained (except in such cases where any alteration is made by this act) shall continue in full force and effect, during the continuance of the said respective subsidies, impositions, and other duties, and shall be applied, practised and executed, for the raising, levying, collecting, securing, answering, paying, and appropriating the said respective subsidies, impositions, and other duties, according to the true intent and meaning of this present act, as fully and effectually to all intents and purposes, as if the said clauses, matters and things had been repeated and enacted in the body of this present act; any law or other matter or thing to the contrary notwithstanding.

CAP. XXXI.

An act for regulating the company of watermen, wherry-men, and lightermen rowing on the river Thames, between Gravesend in the county of Kent, and Windsor in the county of Berks.

WHEREAS amongst several laws heretofore made, for the better regulating and governing all persons free of the company of watermen and wherry-men, owning, rowing, or working boats, barges, and other craft upon the river of Thames, from Gravesend in the county of Kent, to Windsor in the county of Berks, there was an act passed in the first year of the reign of King James the First, whereby such watermen and wherry-men were restrained from taking any apprentices who were not of the full age of eighteen years, unless they were the sons of free watermen and wherry-men, whom they might retain as their apprentices at the age of sixteen years: and whereas by an act passed in the eleventh and twelfth years of the reign of his late majesty King William the Third, for the explanation and better execution of former acts made touching watermen and wherry-men rowing on the river of Thames, and for the better ordering and governing the said watermen, wherry-men and lightermen upon the said river between Gravesend and Windsor, the said wherry-men, watermen and lightermen were made one company, and were empowered to make reasonable and lawful rules, orders and constitutions for their government; and in pursuance thereof an order was made, That no waterman shall have any more than one apprentice at one time, nor shall be capable of taking any apprentice, until such master hath been a freeman seven years, nor shall take a second apprentice until his first be dead, or the term expired; and that not any lighterman shall take any apprentice, until he is the real owner of two lighters, nor shall have any more than one apprentice at one time: and whereas by an act passed in the fourth year of the reign of her late Majesty Queen Anne, for the better ordering and governing the watermen and lightermen upon the river of Thames, the said clause in the said statute of the first of King James the First, as also the said order, and all and every other order and rule made for restraining any waterman, wherryman or lighterman taking and breeding apprentices, were repealed and made void, in order for the better increase of seamen for the service of the royal navy: and whereas in consequence of the said last recited act such watermen, wherry-men and lightermen are at liberty to take what number of apprentices, and at what age they think fit, though they have not sufficient business to employ and maintain such apprentices, nor any habitation or place of abode to retain and keep them at, and though such apprentices are too weak for the work or labour required in such occupation, whereby such apprentices become idle and profligate, and many and great damages have frequently happened and must daily happen to goods and passengers by the unskilfulness of such apprentices, and the good intention of the said act in breeding able and sufficient

Preamble, reciting the act

1 Jac. 1. c. 16. limiting the age of apprentices to be taken by watermen.

Act 11 & 12 W. 3. c. 51.

giving power to the company of watermen to make rules for their government.

Pursuant to which an order made, restricting watermen, &c. in relation to apprentices.

Act 4 Annæ, c. 13. repealing the clause of Jac. 1. and making void the said order; and allowing watermen to take what

number of apprentices they pleased, and at any age. Inconveniences resulting from this licence.

Commence-
ment of the
present act.

seamen for the royal navy is eluded: for remedy whereof be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of *June*, in the year of our Lord one thousand seven hundred and thirty seven, it shall not be lawful for any person whatsoever (although free of the said company) that now or hereafter shall keep, use, hire or work any wherry-boat, tilt-boat, barge, or other vessel for carrying passengers or goods for hire or gain upon the river of *Thames*, between *Gravesend* and *Windsor* aforesaid, to bind, take, retain, employ, have or keep, to serve him or her to work or row upon the said river, any person as an apprentice, until such time as such person so to be taken shall arrive to be of the full age of fourteen years at the least, and not to exceed the age of twenty years, which shall be made appear by certificate signed by the minister or churchwardens for the time being of the parish or place where such person so to be bound was or shall be born, or by the oath of two or more credible witnesses, or their affirmation in case they shall be of the people called *Quakers*.

No apprentice
to be taken un-
der 14 years of
age, nor above
20.

Apprentices
to be taken
for 7 years at
the least; and
to be bound by
indentures as
usual, and en-
rolled in the
book of the
company; on
penalty of the
master's for-
feiting 10 l.

II. And be it further enacted by the authority aforesaid, That such apprentice shall be bound to his said master or mistress by indentures of apprenticeship as usual in the like cases of apprenticeship, and be enrolled in the book or rolls of the said company, to serve his said master or mistress as an apprentice upon the said river for and during the space of seven years at the least, upon pain that every master or person acting contrary hereto shall for every such offence, upon conviction thereof before the lord mayor of the city of *London* for the time being, or before any one or more justice or justices of the peace for the time being for the said city, or for the county, city, town corporate, liberty or place, where the offender shall be found, or the offence shall be committed, by the oath of one or more credible witness or witnesses, shall for every such offence forfeit and pay the sum of ten pounds of lawful money of *Great Britain*.

Penalty on
apprentices
bound contra-
ry to the true
intent of this
act.

III. And be it further enacted by the authority aforesaid, That all and every apprentice or apprentices, which shall hereafter be bound contrary to the true intent and meaning of this act, shall not thereby obtain any freedom by such apprenticeship, or be intitled to any the privileges and advantages by such apprenticeship, which watermen, wherry-men and lightermen free of the said company are intitled to; but shall be subject and liable to pay for every time he shall work, row, or navigate any boat, barge, lighter, or other vessel, being thereof convicted in manner aforesaid, the sum of ten pounds.

No more than
2 apprentices
to be taken at
one time; the
first to have

IV. Provided nevertheless, That no freeman of the said company, nor his widow, shall at one and the same time be capable to take and retain more apprentices than two, nor shall take the second apprentice till the first hath served as an apprentice for the

the space of four years at the least of his said apprenticeship, served 4 years when the second is taken; under the penalty of ten pounds of lawful money of *Great Britain*. on penalty of 10 l.

V. And, to avoid the great inconveniencies which happen by wherry-men, and such other watermen and lightermen as afore-said daily taking apprentices, before such wherry-men, watermen, or lightermen are housekeepers, or have any settled habitation for themselves and their apprentices to lodge in, whereby pilfering and disorderly actions are frequently committed; be it also further enacted by the authority afore-said, That it shall not be lawful for any wherryman, waterman, or lighterman, though a freeman of the said company, or his widow, to take retain or keep any person as his or her apprentice, unless such waterman, wherryman, or lighterman, or the widow of such waterman, wherryman or lighterman shall be the occupier of some house or tenement wherein to lodge him or herself and his or her apprentice or apprentices; and such waterman, wherryman or lighterman, or his or their widow or widows, shall keep such apprentice or apprentices to lodge and lie in the same house or tenement wherein he or she doth lodge or lie, upon pain that every master or mistress so from time to time acting otherwise, and offending against this act, being thereof convicted in manner afore-said, shall for every such offence forfeit and pay the sum of ten pounds of lawful money of *Great Britain*. No member of the company, though a freeman, to take an apprentice till he has a settled habitation to lodge his apprentice in. Apprentice to be lodged in the same house with his master or mistress, on pain of forfeiting 10 l.

VI. And, to prevent any person or persons producing forged or false certificates; be it further enacted by the authority afore-said, That if any person or persons shall knowingly and wilfully produce any forged or false certificate, and shall bethereof convicted before the lord mayor of the said city of *London*, or before any one or more justice or justices of the peace for the said city for the time being, by the oath of one or more credible witness or witnesses, he, she or they shall for every such offence forfeit and pay the sum of ten pounds of lawful money of *Great Britain*. Penalty of 10 l. on producing false certificates.

VII. Provided nevertheless, That any waterman, wherryman or lighterman, being the real owner or proprietor of twelve lighters, barges or flat-bottomed boats in his own right, may take and retain to his own use and service two apprentices at any one time; and the real owner or proprietor of twenty lighters, barges or flat-bottomed boats in his own right, may take and retain to his own use and service four apprentices, and no more; provided such owner or proprietor of such lighters, barges, or flat-bottomed boats shall first take an oath before the said lord mayor of the city of *London* for the time being, or before any one or more justice or justices of the peace for the said city of *London*, the city of *Westminster*, or counties of *Middlesex*, *Essex*, *Surry*, *Kent*, *Bucks*, or *Berks* (which oath they are hereby impowered and required to administer) that he or she is *bona fide* the real owner or proprietor of the numbers of lighters, barges, or flat-bottomed boats as afore-said, and shall produce such oath so taken in writing, under the hand and seal or hands and seals of the said lord mayor, or one or more justice or justices of the peace for the said cities or counties afore-said, to the rulers and over- Proprietors of 12 lighters, &c. may take 2 apprentices at one time. And proprietors of 20 may take 4, and no more. Provided such proprietors make oath of their owning such number of lighters, &c.

overseers of the said company, or the major part of them, at any of their publick courts or assemblies.

Number of
passengers li-
mited.

No tilt-boat,
&c. to take
more than 37,
and 3 by the
way; nor any
other boat
more than 8,
and 2 by the
way; nor any
ferry-boat on
Sundays, more
than 8,

on pain of for-
feiting, for the
first offence
5l.
for the second
10l.
for the third
to be disfran-
chised for 12
months.

In case any
person shall be
drowned,
where a great-
er number is
taken in, the
watermen
shall be trans-
ported as fel-
ons.

The burthen
of tilt-boats

VIII. And, for preventing the losing the lives of persons passing on the river *Thames* between *Gravesend* and *Windsor* aforesaid; be it enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, one thousand seven hundred and thirty seven, it shall not be lawfully for any person or persons, who shall work or navigate any tilt-boat, row-barge, or any other boat or wherry, for hire or gain, to receive, take into, or carry in any such tilt-boat or row-barge, at one and the same time, any more than thirty seven passengers and three more passengers only if brought on board by the way; nor to receive, take into, or carry in any other boat or wherry, any more than eight passengers, and two more only if called in by the way; nor to receive, take into, or carry in any ferry-boat, or wherry allowed to work on *Sundays*, any more than eight passengers at one and the same time; and if any person or persons, who shall work or navigate any such tilt-boats, row-barges, ferry-boats, or other boats or wherries, shall receive, take into, or carry in any such tilt-boats, row-barges, ferry-boats, or other boats or wherries, a greater number of passengers than what are limited respectively as aforesaid, every such person or persons so offending, and being thereof convicted by the oath of one or more credible witnesses or witnesses, or by the confession of the party or parties before the lord mayor of the city of *London* for the time being, or one or more justice or justices of the peace for the city, county, town corporate, liberty or place where the offence shall be committed, or the offender shall be found, or on view of any such justice or justices, shall for the first offence forfeit the sum of five pounds, and for the second offence forfeit the sum of ten pounds, one moiety of such forfeitures to go to the informer, and the other moiety to such uses as the other penalties and forfeitures imposed by this act are particularly directed to be applied; and every person or persons who shall offend in the premises a third time, shall be disfranchised for twelve months from working, rowing, or navigating any boat, wherry, vessel or other craft, and from enjoying any the privileges, the members of the said company of watermen, wherry-men, and lightermen are intitled to, and do enjoy; and in case any greater number of persons shall be received, taken into, or carried in any such tilt-boats, row-barges, ferry-boats, or other boats or wherries than are respectively allowed to be carried as aforesaid, and any passenger or passengers shall then be drowned, every such person or persons who shall work or navigate such tilt-boats, row-barges, ferry-boats, or other boats or wherries offending therein, and being thereof lawfully convicted, shall be deemed guilty of felony, and shall be transported as felons.

IX. And be it further enacted by the authority aforesaid, That no person or persons shall row, work, or navigate any tilt-boat which shall not be of the burthen of fifteen tons, nor row, work,

. or

or navigate any boat or wherry which shall not be of the burden of three tons, in the long ferry between *London Bridge* and *Gravesend*; except such boat as shall be hired by any one person for his own use; upon pain of forfeiting for every such offence the sum of ten pounds; one moiety whereof shall go to the informer, and the other moiety to such uses as the other penalties and forfeitures imposed by this act are particularly directed to be applied.

X. And whereas there have of late years been worked and navigated in the long ferry between *London Bridge* and *Gravesend* divers boats and wherries which have been built in imitation of tilt-boats with close decks, whereby the lives of his Majesty's subjects have been often in imminent danger, and many persons have been drowned: therefore to prevent the same for the future, be it enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, one thousand seven hundred and thirty seven, it shall not be lawful for any person or persons whatsoever to row, work, or navigate any boat or wherry with a close deck, commonly called *Gravesend wherries*, or with bails nailed to the said boats and wherries, and which are not moveable, for the carrying or recarrying of passengers for hire or gain between *London Bridge* and *Gravesend* aforesaid (tilt-boats only excepted) upon pain that every person or persons so offending, and being thereof convicted in the manner aforesaid, shall forfeit and pay the sum of ten pounds; one moiety whereof shall go to the informer, and the other moiety to such uses as the other penalties and forfeitures imposed by this act are particularly directed to be applied.

No *Gravesend* wherries with close decks, or bails nailed down, to be navigated;

Tilt-boats excepted; on the penalty of 10*l*.

XI. And be it further enacted by the authority aforesaid, That when and as often as any watermen or wherry-men rowing in or belonging to such boat or boats shall wilfully or negligently lose his or their tide or tides, either from *Billinggate* to *Gravesend*, or from *Gravesend* to *Billinggate*, by putting on shore for the taking in of other passenger or passengers than whom they at first departed and set out with (except as herein is directed) or by waiting or loitering by the way, by means whereof the said passengers respectively therein shall be set or landed short by the space of two miles or upwards of either of the said ports or places to which they are bound, that then and in every such case all and every such passenger or passengers shall be, and is and are hereby discharged from paying for their said respective passages or voyages; any law, usage, or custom to the contrary notwithstanding.

Watermen losing their tide from *Billinggate* to *Gravesend*, &c. Passengers discharged from paying.

XII. And whereas many inconveniencies and casualties have frequently happened, and do often arise and happen, to the endangering of the lives of his Majesty's subjects passing and repassing by water to and from *London* and *Gravesend* in tilt-boats and other boats and wherries, which are navigated for hire or gain, for want of a due regulation of the time and times of departure of the said tilt-boats and other boats and wherries at and from the said respective ports and places of *London* and *Gravesend*, and for want of navigating the said

Clauseregulating the times of departure of tilt-boats, &c. from *London* and *Gravesend*.

The rulers of the watermen's company to appoint two officers to attend at Billingsgate at high water, and at Gravesend at the first of flood; who shall ring a bell to give notice to the tilt-boats and wherries to put off.

said boats respectively with good and able hands; be it therefore further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, in the year of our Lord one thousand seven hundred and thirty seven, the rulers and overseers of the said company of watermen, wherry-men, and lightermen, or the major part of them, shall from time to time appoint two or more proper officers, who shall give their constant attendance, as well by night as by day, at every time of high water at *London Bridge* and the first of flood at *Gravesend*; that is to say, one or more of such officers at *Billingsgate*, and one or more of other such officers at *Gravesend*, who as near as is possible at every time and times of high water, and the first of flood aforesaid, shall publickly ring a bell at each of the said places respectively, to be provided and hung up for that purpose by the said rulers and overseers or the major part of them, and to continue ringing of the same by the space and time of fifteen minutes, to give notice to the said respective tilt-boats and other boats and wherries who design to pass the said ferry between *London* and *Gravesend* by that tide, to put off and set forward on their said respective ferries or voyages, either from *London* to *Gravesend*, or from *Gravesend* to *London*, as the case shall be; and if after ringing of such bell at each of the said places respectively by the time and space aforesaid any such boat or boats plying or waiting for passengers, or having passengers on board, or there being or designing to pass the said ferries, or either of them, with passengers on board, shall not immediately depart, and effectually proceed on their several and respective voyages, without lying by in the river, or putting again on shore within two miles of the said respective ports or places of *Billingsgate* or *Gravesend*, as the case may be, for the taking in of any goods, passenger or passengers; or if any such boat or boats shall not be provided with, and during the said whole ferry or voyage be navigated by, two sufficient and able-bodied men, the younger thereof to be of the age of eighteen years at the least; then and in every such case, and so often as the same shall happen, the owner and owners of all and every such boat and boats not departing, or lying by, or putting on shore, or not being provided with, and navigated by, two able and sufficient bodied men, as aforesaid, shall forfeit and pay the sum of five pounds, being first convicted thereof on the oath of one or more credible witness or witnesses, before one or more of his Majesty's justices of the peace of the counties, cities, town corporate, liberty, or place where the said offence or offences shall be committed, or the offender can be found, to be levied and recovered upon the said boat or boats, wherry or wherries, sails, tilts, and tackle thereto belonging, and on the goods and chattels of all and every the owners of such boat or boats, wherry or wherries respectively, in such manner as the other penalties and forfeitures to be incurred by this act are directed to be levied; one moiety of such penalties and forfeitures to go to the rulers and overseers of the said company of water-

If such wherry-men, &c. do not put off &c. the owners of such boats shall forfeit 5 l.

men, wherry-men, and lightermen; and the other moiety thereof to the informer or informers who shall prosecute for the same.

XIII. And be it further enacted by the authority aforesaid, That in case the said overseers and rulers of the company of watermen, wherry-men, and lightermen, or the major part of them, shall neglect to set up, or cause to be set up, such bell or bells at the places aforesaid (which they are hereby authorized and empowered to do) and to appoint a proper officer or officers as aforesaid, to ring the same, within the space of fourteen days after the said twenty fourth day of *June*, one thousand seven hundred and thirty seven, or shall neglect to appoint such proper person or persons from time to time thereafter, to ring the same; the said rulers and overseers shall forfeit and pay the sum of fifty pounds, one moiety whereof shall go to the poor of the parish where such offence shall be committed, and the other moiety to such person or persons who shall inform and sue for the same by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, wherein no esoin, privilege, protection, wager of law, or more than one imparlance, shall be allowed.

Penalty of 50*l*. on the company of watermen, on neglect of setting up the said bells, and appointing proper persons to ring them.

The said penalty to go one half to the poor, the other to the informer.

XIV. And in case any such officer or officers so to be appointed as aforesaid, shall neglect to ring such bell or bells at the time and times herein directed, he shall forfeit and pay for every such offence the sum of forty shillings, to be levied, recovered, and applied in the same manner as the other penalties and forfeitures are by this act directed to be levied, recovered, and applied.

Penalty of 40*s*. on such persons as are appointed to ring the said bells, for every neglect.

XV. And be it further enacted by the authority aforesaid, That all the penalties and forfeitures which shall be incurred and forfeited by virtue of this act, except such of them as are hereby otherwise directed to be levied and recovered, shall and may be levied and recovered by distress and sale of the offender's goods and chattels by warrant or warrants under the hand and seal or hands and seals of the lord mayor of the said city of *London*, or one or more justice or justices of the peace for the said city for the time being, or one or more justice or justices of the peace for any county, city, town corporate, liberty, or place where the offence shall be committed, or the offender shall be found; and for want of sufficient distress it shall be lawful to and for the said lord mayor of the said city of *London* for the time being, or any one or more justice or justices of the peace for the said city, or for the county, city, town corporate, liberty, or place where the offence shall be committed, or the offender shall be found, and he and they are hereby required, by warrant or warrants under his or their hand and seal, or hands and seals, to commit such offender to the next common or publick workhouse or house of correction, there to remain without bail or mainprize, and to be kept to hard labour for any time not exceeding one month, nor less than fourteen days: and when the said penalties and forfeitures (except such of them as are hereby otherwise directed to be paid and applied) shall be levied

Penalties incurred by this act how to be recovered.

Power of commitment, for want of sufficient distress.

Penalties, not otherwise directed, how to be applied.

All prosecutions for penalties to be commenced in a month.

The penalties incurred by this act may be sued for by the rulers and overseers of the company of watermen, or any two of them. Proviso in favour of persons navigating boats, &c. by virtue of the act 4 Geo. 2. c. 24.

All suits commenced in pursuance of this act, to be prosecuted within 6 months after the fact, where to be tried. Defendants may plead the general issue. If a verdict go against the plaintiff; if he be nonsuited, &c. the defendant to have treble costs.

This act to be deemed a publick act.

levied or recovered, the same shall be paid to the rulers and overseers of the said company, or the major part of them, for the time being; and shall be by them paid and distributed to the poor aged and decayed freemen of the said company, and their widows: and all prosecutions for the said penalties and forfeitures shall be commenced within one month next after the offence shall be committed, and not afterwards.

XVI. And be it enacted by the authority aforesaid, That all the penalties and forfeitures which shall be incurred or forfeited by virtue of this act, shall and may be sued and prosecuted for by the rulers and overseers of the said company, or any two of them for the time being.

XVII. Provided always, That nothing herein contained shall extend, or be construed to extend, to hinder or prevent any person or persons working or navigating any flat-bottomed boats or barges, who are intitled to work and navigate the same by virtue of an act passed in the fourth year of his present Majesty's reign, intituled, *An act to explain and amend a clause in an act passed in the second year of his Majesty's reign (for making more effectual several acts relating to watermen, wherry-men, and lightermen rowing on the river Thames) so far as the same relates to ferry-boats and flat-bottomed boats*, in such manner, and to and from such places, as in and by the said act is directed and prescribed, nor to subject them, or any of them, to any of the penalties and forfeitures by this act to be imposed.

XVIII. And be it further enacted by the authority aforesaid, That if any suit or action shall be commenced or prosecuted against any person or persons, for any thing to be done in pursuance of this act, every such suit or action shall be brought and commenced within six months next after the fact committed, and not afterwards; and shall be brought and tried in the city of London, or counties of Middlesex, Surrey, Essex, Kent, Bucks, or Berks, and not elsewhere; and the defendant or defendants therein may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by authority of this act; and if it shall appear to be so done, that then the jury shall find for the defendant or defendants; and upon such verdict, or if the plaintiff or plaintiffs shall become nonsuit, or discontinue his, her, or their action, after the defendant or defendants shall have appeared, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall or may recover treble costs; and have the like remedy for the same as any defendant or defendants hath or have for costs in any other cases by law.

XIX. And it is hereby further enacted and declared, That this act shall be deemed and taken to be a publick act, and all judges, justices, and other persons; are to take notice thereof as such in all courts and places whatsoever, without specially pleading the same.

C A P. XXXII.

An act for continuing An act for the more effectual punishing wicked and evil disposed persons, going armed in disguise, and doing injuries and violences to the persons and properties of his Majesty's subjects, and for the more speedy bringing the offenders to justice; *and for continuing two clauses to prevent the cutting or breaking down the bank of any river, or sea bank; and to prevent the malicious cutting of hop-binds, contained in an act passed in the sixth year of his present Majesty's reign; and for the more effectual punishment of persons removing any materials used for securing marsh or sea walls, or banks, and of persons maliciously setting on fire any mine, pit, or delp of coal, or cannel coal, and of persons unlawfully hunting or taking any red or fallow deer in forests or chases, or beating or wounding keepers, or other officers, in forests, chases, or parks; and for more effectually securing the breed of wildfowl.*

WHEREAS the laws herein after mentioned, which by experience have been found useful and beneficial, are near expiring; may it therefore please your most excellent Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the ninth year of the reign of his late majesty King George the First, intituled, *An act for the more effectual punishing wicked and evil-disposed persons going armed in disguise, and doing injuries and violences to the persons and properties of his Majesty's subjects, and for the more speedy bringing the offenders to justice*, which was to continue in force from the first day of June, one thousand seven hundred and twenty three, for the space of three years, and from thence to the end of the then next session of parliament; and which by an act made in the twelfth year of the reign of his said late majesty King George the First, was continued from the expiration thereof for five years, and from thence to the end of the then next session of parliament; and which by a clause in another act made in the sixth year of the reign of his present Majesty, intituled, *An act for making perpetual the several acts therein mentioned, for the better regulation of juries, and for empowering the justices of session or assizes for the counties palatine of Chester, Lancaster, and Durham, to appoint a special jury in manner therein mentioned; and for continuing the act for regulating the manufacture of cloth in the West Riding of the county of York (except a clause therein contained) and for continuing an act for the more effectual punishing wicked and evil-disposed persons going armed in disguise, and for other purposes therein mentioned; and to prevent the* cutting

Preamble re-
citing the acts
Geo. 1. c. 22.
12 Geo. 1.
6 Geo. 2.

cutting or breaking down the bank of any river, or any sea bank; and to prevent the malicious cutting hop-binds; and for continuing an act in the thirteenth and fourteenth years of the reign of King Charles the Second, for preventing theft and rapine on the northern borders of England; and for reviving and continuing certain clauses in two other acts made for the same purpose; was further continued from the first day of September, one thousand seven hundred and thirty three, to the first day of September, one thousand seven hundred and thirty six, and from thence to the end of the then next session of parliament, is near expiring; shall be, and is hereby further continued from the expiration thereof, until the first day of September, which shall be in the year of our Lord one thousand seven hundred and forty four, and from thence to the end of the then next session of parliament, and no longer.

continued.

Further continued by 24 Geo. 2. c. 57.

Clauses in the act 6 Geo. 2. c. 37. f. 5.

II. And be it further enacted by the authority aforesaid, That the clause in the said act made in the said sixth year of the reign of his present Majesty, which enacts, That if any person or persons, during the continuance of the said act made in the said ninth year of the reign of his said late majesty King George the First, shall unlawfully and maliciously break or cut down the bank or banks of any river, or any sea banks, whereby any lands shall be overflowed or damaged, every such person, being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death without benefit of clergy; shall be and is hereby further continued, during the continuance of the last before-mentioned act.

continued.

III. And be it further enacted by the authority aforesaid, That another clause in the said act made in the said sixth year of the reign of his present Majesty, which enacts, That if any person or persons, during the continuance of the said act made in the ninth year of the reign of his said late Majesty King George the First, shall unlawfully and maliciously cut any hop-binds, growing on poles in any plantation of hops, every such person or persons, being thereof lawfully convicted, shall be guilty of felony, and shall suffer death without benefit of clergy; shall be, and is hereby further continued, during the continuance of the before-mentioned act, intituled, *An act for the more effectual punishing wicked and evil-disposed persons going armed in disguise, and doing injuries and violences to the persons and properties of his Majesty's subjects, and for the more speedy bringing the offenders to justice.*

Provisions of 9 Geo. 1. c. 22. in force, in case of offence against this act.

IV. And be it further enacted by the authority aforesaid, That all the provisions made in the before-mentioned act of the ninth year of the reign of his late majesty King George the First, for the more speedy and easy bringing the offenders against the said act to justice, and the persons who shall conceal, aid, abet, or succour such offenders, and for making satisfaction and amends to all and every the person and persons, their executors and administrators, for the damages they shall have sustained or suffered by any offender or offenders against the said act, and for the encouragement of persons to apprehend and secure such offender

offender and offenders, and for the better and more impartial trial of any indictment or information which shall be found, commenced, or prosecuted for any of the offences committed against the said act, together with all restrictions, limitations, and mitigations by the said act directed, shall during the continuance of the said act extend to and be of force and effect in all cases of offences committed by unlawfully and maliciously breaking down or cutting down the bank or banks of any river, or any sea bank, whereby any lands shall be overflowed or damaged, or by unlawfully and maliciously cutting any hop-binds growing on poles in any plantation of hops, or by wilfully and maliciously setting on fire, or causing to be set on fire, any mine, pit, or delph of coal, or cannel coal.

V. *And whereas it frequently happens, that many idle and disorderly persons employed in fishing boats, and others residing near the sea coasts, do unlawfully and maliciously cut off, draw up, burn, and destroy the piles, which are drove into the marsh, or sea walls and banks, whereby the chalk and other materials used for securing the said walls and banks fall away, and oftentimes take away the said chalk and other materials used for that purpose, and thereby frequent inundations happen to the lands lying within the said walls and banks, to the great loss and damage of the owners and occupiers of the said lands; for remedy thereof, be it therefore further enacted by the authority*

aforsaid, That if any person or persons shall at any time or times hereafter unlawfully cut off, draw up, or remove and carry away any piles, chalk, or other materials, which are, or at any time hereafter shall be, driven into the ground, and used for the securing any marsh, or sea walls, or banks, in order to prevent the lands lying within the same from being overflowed and damaged, it shall and may be lawful to and for any one or more of his Majesty's justices of the peace residing near the place where the said offence or offences shall be committed, and such justice or justices is and are hereby respectively authorized and required, upon complaint or information upon oath of such offence (which oath or oaths such justice or justices is and are hereby empowered to administer) to summon the party or parties so complained of, or to issue his or their warrant or warrants to apprehend and bring before him or them the person or persons so accused, complained of, or suspected; and upon his, her, or their appearance, or neglect to appear, to proceed to examine the matter of fact with which he, she, or they are charged, and upon due proof thereof made, either by confession of the party or parties so accused, or upon the oath or oaths of one or more credible witness or witnesses, to determine the same, and to convict the offender or offenders; and every person offending herein, and being thereof convicted as aforsaid, shall forfeit and pay the sum of twenty pounds, one moiety thereof to the informer, and the other moiety to the overseer of and for the use of the poor of the parish wherein such offence shall be committed; the same to be levied by distress and sale of the offenders goods and chattles, together with

Piles, chalk, &c. used for the security of marshes, not to be removed,

on forfeiture of 20l. to be levied by distress,

or imprison-
ment for six
months.

the charges of such distress and sale, rendering the overplus (if any be) to the owner or owners thereof; and for want of sufficient distress the said justice or justices are hereby required to commit the person or persons convicted as aforesaid to the house of correction, there to remain and be kept at hard labour for the space of six months.

Persons set-
ting mines of
coal on fire to
suffer death.

VI. And be it further enacted by the authority aforesaid, That from and after the twenty fourth day of *June*, one thousand seven hundred and thirty seven, and during the continuance of the before-mentioned act of the ninth year of the reign of his late majesty King *George* the First, if any person or persons shall wilfully and maliciously set on fire, or cause to be set on fire, any mine, pit, or delph of coal or cannel coal, every person so offending, being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death as in cases of felony without benefit of clergy.

VII. *And whereas several wicked and disorderly persons armed with fire-arms, swords, staves, flails, and other offensive weapons, have frequently entered into several of his Majesty's forests and chaces, and into the chaces of several of his Majesty's subjects, and there unlawfully hunted, taken, and killed great numbers of deer, and also many times violently assaulted, beat, and wounded the keepers or officers of such forests, chaces, and also of parks, to the great damage and terror of many of his Majesty's peaceable subjects: and whereas the said act of the ninth year of his said late Majesty hereby intended to be continued, intituled, An act for the more effectual punishing wicked and evil-disposed persons going armed in disguise, and doing injuries and violences to the persons and properties of his Majesty's subjects, and for the more speedy bringing the offenders to justice, does not extend to the unlawful coursing, hunting, taking in toils, killing, wounding, or taking away any red or fallow deer fed or kept in open forests or chaces where deer are usually kept, but only to such as are inclosed with pails, rails, or other fences; and such offences in uninclused places are only punishable by the statute made in the third and fourth years of the reign of their late majesties King William and Queen Mary, intituled, An act for the more effectual discovery and punishment of deer stealers, and which inflicts only a pecuniary penalty for so doing, whereby such wicked and disorderly persons are the more emboldened to commit such offences therein, and it is become necessary to make some further provision for the prevention thereof;* be it therefore enacted by the authority aforesaid, That if any person or persons who shall hereafter be convicted of unlawfully coursing, hunting, taking in toils, killing, wounding, or taking away any red or fallow deer in any open or uninclused forest or chace where deer are usually kept, shall during the continuance of the said act of the ninth year of his late Majesty, be guilty of a second offence of the like nature, and shall be thereof lawfully convicted upon indictment or information, such person or persons shall by judgment of the court wherein he or they shall be so convicted, be transported to one of his Majesty's plantations in *America* for the space of seven years,

Persons con-
victed a se-
cond time of
hunting and
taking away
of deer out of
uninclused
forests or
chaces, to be
transported,

years, in like manner as other offenders may be transported by the laws now in force; and if such person or persons shall return into any part of *Great-Britain* or *Ireland* within the said seven years, every such person or persons shall be adjudged guilty of felony, and shall suffer death as in cases of felony without benefit of clergy.

VIII. And to the intent that such conviction may be with as little trouble and expence as possible, be it further enacted by the authority aforesaid, That such offender or offenders shall may be tried for every such second offence as aforesaid before the justices of assize, *Oyer and Terminer*, or gaol-delivery, of and for that county, city, or place where such second offence shall be so done and committed, and that the justice or justices of the peace before whom such offender or offenders was or were convicted of such first and former offence, shall certify a true copy of such conviction under his or their hands and seals to the quarter sessions of the county, wherein such offence was committed, to be held next after such conviction had, there to be kept amongst the records of such quarter-sessions, and the clerk of the peace of such county shall at the request of the prosecutor or any other in his Majesty's behalf certify a transcript under his hand and seal, briefly and in few words containing the effect and tenor of the first and former conviction of such offender or offenders, which certificate being produced in court shall be a sufficient proof that such offender or offenders hath or have been before convicted of and for such first and former offence.

IX. And be it further enacted by the authority aforesaid, That if any person or persons armed as aforesaid shall, at any time after the twenty fourth day of *June*, one thousand seven hundred and thirty seven, and during the continuance of the said last-mentioned act of the ninth year of his late Majesty, come into any forest, chase, or park, wherein deer are usually kept (be the same inclosed or not inclosed) with an intent to course, hunt, take in toils, kill, wound, or take away any red or fallow deer, and shall there unlawfully beat or wound any keeper or keepers, page or pages of any such forest, chase, or park, where deer are usually kept, their servants or assistants, in the execution of his or their office or offices, and be thereof lawfully convicted, every such person or persons shall be transported to one of his Majesty's plantations in *America*, for the space of seven years, in like manner as other offenders may be transported by the laws now in force; and if such person or persons shall return into any part of *Great Britain* or *Ireland* within the said seven years, every such person and persons shall be adjudged guilty of felony, and shall suffer death as in cases of felony without benefit of clergy.

X. And whereas by an act of parliament passed in the ninth year of the reign of her late majesty *Queen Anne*, intituled, An act for making an act of the fifth year of her Majesty's reign, for the better preservation of the game, perpetual, and for making the same more effectual, it is enacted, That if any person, between

the first day of July and the first day of September, in any year, shall by hays, tunnels, or other nets, drive and take any wild duck, teal, widgeon, or any other water fowl, in any places of resort for wild fowl, in the moulting season, the offender being convicted thereof before one justice of the peace where the offence shall be committed, and by the oath of one credible witness, shall forfeit five shillings for every such fowl so taken, one moiety to the informer, the other to the poor of the parish where the offence was done, to be levied by a warrant of the justice of the peace before whom the offender was convicted, by distress and sale of his goods, and for want of distress to be committed to the house of correction for any time not exceeding one month, nor less than fourteen days, there to be whipt and kept to hard labour; and the justice of the peace shall cause such hays and nets to be seized and immediately destroyed in his presence: and whereas the said act has been found by experience to be ineffectual, by reason that the wild fowl begin to moult before the first of July, and have not done moulting by the first of September, so that great numbers of wild fowl are yearly destroyed contrary to the true intent and meaning of the said act; therefore for remedy thereof, be it enacted by the authority aforesaid, That if any person shall, in any year between the first day of June, and the first day of October, by hays, tunnels, or other nets, drive and take any wild duck, teal, widgeon, or any other water fowl, in any marshes, fens, or other places of resort for wild fowl, and shall be thereof convicted in such manner as in the said act of the ninth year of her late majesty Queen Anne is prescribed, he shall be liable to the same penalties to be levied in like manner, as by virtue of the said act he would be liable to, if such offence was committed between the first day of July, and the first day of September, and for want of distress be committed to the house of correction, and there punished as by the said act is directed.

Penalty on
taking wild
fowl in nets
in the moulting
season.

C A P. XXXIII.

An act for making navigable the river Rodon, from a little below a mill called Barking Mill in the county of Essex, to Illford bridge in the said county.

WHEREAS the river Rodon, running from Great Illford in the county of Essex to Barking in the same county, was till lately wholly unpassable for any boats, lighters, or other vessels, fit to carry any goods or merchandizes from Great Illford to Barking aforesaid: and whereas by one indenture, bearing date on or about the twenty second day of May, one thousand seven hundred and thirty six, and made or mentioned to be made between several of the land owners on each side of the said river Rodon, and the owners or lessees of the mill thereupon at Barking aforesaid of the one part, and Joseph Goodman of the precinct of Saint Catharine's near the tower in the county of Middlesex esquire, of the other part, reciting amongst other things, that the clearing and effecting a passage for flat-bottom boats, barges, and other small boats and vessels upon the said river, from Barking aforesaid to Great Illford aforesaid, would be

be very beneficial to Great Illford aforesaid, and to such part of the said county of Essex as was near or adjacent thereunto, and would be very convenient for the carriage of corn, coals, and other goods and merchandizes to and from Great Illford aforesaid and parts adjacent, and to and from London and other parts, as likewise for the carriage of chalk and other manure for improving the lands in and near Great Illford aforesaid, and the said parts adjacent thereunto: and reciting further that the said Joseph Goodman did propose at his own proper costs and charges to make the said river navigable from Barking aforesaid to Great Illford aforesaid; it is witnessed by the said indenture, that the said several land owners, according to their respective estates and interests, did covenant with the said Joseph Goodman, that they would from time to time and at all times from thenceforth permit him the said Joseph Goodman, his heirs, and assigns, with workmen and others necessary for that purpose, to come upon their lands and hereditaments respectively, for the clearing and cleansing the said river, in order to make the same navigable, and for removing any impediments that might be in the said river to hinder the navigation thereof; and such of the said land owners as had an inheritance in fee-simple in their said lands and hereditaments did thereby further give and grant unto the said Joseph Goodman, full power and authority to dig down or cut away any part of the said lands and hereditaments belonging to them, not exceeding thirty feet in breadth at any one place, in order to enlarge the said river for the more easy making the same navigable: and he the said Joseph Goodman did thereby covenant and agree with the said land owners, their heirs, executors, administrators, and assigns, respectively, from time to time to make satisfaction to the said land owners, their heirs, executors, administrators, and assigns respectively, for all damages which should accrue to them or their said lands and hereditaments, by reason of such coming upon, or such digging down or cutting away the same aforesaid, to be ascertained in manner therein mentioned, or in default thereof to be recovered by action: and whereas the said Joseph Goodman did soon after the making of the said indenture begin to make the said river navigable from Barking to Great Illford aforesaid, for flat-bottom boats, barges, and other small boats and vessels, as herein before mentioned, and hath since made so considerable a progress therein, that the same is almost completed, and is willing at the sole charge and expence of him the said Joseph Goodman, his heirs and assigns, fully to finish and perfect the same as soon as may be: and whereas several estates and interests in all or the greatest part of the said lands and hereditaments lying within or on each side of the said river are limited to persons not in being, or to infants or feme-coverts, or are under entail or settlement, by reason whereof such persons will not be bound by the covenants in the said indenture: and whereas the said Joseph Goodman, and the said several other parties to the said indenture who had executed the same, being fully sensible thereof, have agreed that the said indenture should be of no force and effect, from and after the passing of an act of parliament relating to the premises, except only as to such acts, matters and things as have been done before the making thereof: and whereas

the liberty of coming upon the said lands and hereditaments for removing any impediments or obstructions in the said river, in order to make the navigation thereof safe and easy, will be precarious, and cannot be secured to the said Joseph Goodman, his heirs and assigns, without the aid of an act of parliament: and whereas the making rivers navigable is a means to advance trade, increase watermen, and is for the good and advantage of the publick in general, besides the particular benefit which will thereby accrue to the towns or other parts adjacent or near to such rivers; be it therefore enacted, &c.

Joseph Goodman impowered to make the said river navigable, making satisfaction for damages. Commissioners appointed for adjusting rates and damages. On non-appearance of the parties, the commissioners may proceed to enquire of the damage. If the water be raised above its usual height, satisfaction is to be made for damage of adjacent lands. Rates for conveyance of goods: For every chaldron of coals, London measure, 1s. For every hundred of deals, 2s. For every load of timber, fifty feet to the load, 2s. For every ten packs of wool, ten tod to the pack, 2s. For every load of wheat or barley, five quarters to the load, 1s. For every load of oats, 9d. For every load of beans and pease, 1s. For every load of malt 1s. For every ton of other goods, 1s. 6d. Proprietors of the mill may carry materials for its repair, and their corn, toll free. Masters of boats, &c. responsible for damages. Persons having estates adjacent to the river, may keep pleasure boats. Privileges of fishing and fowling not taken away.

C A P. XXXIV.

An act to disable Alexander Wilson, esquire, from taking, holding or enjoying any office or place of magistracy, in the city of Edinburgh, or elsewhere in Great Britain; and for imposing a fine upon the corporation of the said city.

WHEREAS upon Tuesday the seventh day of September in the year of our Lord one thousand seven hundred and thirty six, there was a most seditious and outrageous riot in the city of Edinburgh, in that part of Great Britain called Scotland, notoriously concerted and carried on by great numbers of wicked, disorderly, and blood-thirsty persons, who did with open force and violence seize the arms of the city guard, possess themselves of the city gates, and by setting fire to and breaking open the door of the Talbooth of the said city did unlawfully and audaciously rescue and set at large several criminals therein confined: and whereas captain John Porteous, then a prisoner there under sentence of death, but graciously reprieved by the Queen's most excellent majesty, as guardian of the realm, was by the said rioters in a cruel manner dragged from the said prison, and most barbarously hanged by the neck, and murdered, in manifest violation of the publick peace, in defiance and subversion of legal government, in high contempt of our sovereign lord the King and his laws, and to the most presumptuous and unparalleled obstruction of the royal mercy: and whereas for some time before the committing of the said murder and riot it was commonly reported in the said city of Edinburgh, that some such atrocious fact would be attempted, which by proper care in the magistrates, citizens, and inhabitants of the said city might have been prevented; notwithstanding which, Alexander Willison esquire, then and now provost of the said city, and then actually,

ually resident in the said city, and fully apprized of the said wicked design, did not take any precautions to prevent the said murder and riot, nor use the proper or necessary means to suppress the same, or to preserve the peace of the said city, or after the perpetration of the said fact, to discover, apprehend or secure the authors, actors or abettors thereof, in manifest violation of the trust and duty of his office of chief magistrate of the said city: nor were any means or endeavours used by the citizens and inhabitants of the said city to prevent or suppress the said notorious riot, or to hinder the said inhuman and barbarous murder, or to discover the persons concerned therein, in order to bring them to justice: now, in order to express the highest detestation and abhorrence of the said murder and riot, and to the end that the said enormous misbehaviours and neglects of duty herein before mentioned may not go unpunished, and that other persons may not presume through hopes of impunity to be guilty of the like for the future; be it enacted, &c.

The provost disabled from holding any office of magistracy. A new provost to be chosen. Fine on the corporation.

C A P. XXXV.

An act for the more effectual bringing to justice any persons concerned in the barbarous murder of captain John Porteous, and punishing such as shall knowingly conceal any of the said offenders.

WHEREAS upon Tuesday the seventh day of September, in the year of our Lord one thousand seven hundred and thirty six, great numbers of wicked, desperate and blood-thirsty persons of most detestable principles unlawfully assembled within the city of Edinburgh, in that part of Great Britain called Scotland, with open force and violence seized the arms of the city guard, possessed themselves of the city gates, broke open the door of the Tolbooth of the said city, and laid violent hands upon captain John Porteous then a prisoner there under sentence of death, but graciously reprieved by the Queen's most excellent majesty as guardian of the realm, and having in a cruel manner dragged him from the said prison, hanged him by the neck, and barbarously murdered him, in manifest violation of the public peace, in defiance and subversion of legal government, in high contempt of our sovereign lord the King and his laws, and to the most presumptuous and unparalleled obstruction of the royal mercy: and whereas many of the wicked and desperate persons acting, aiding, and assisting in committing the said outrages, riot and barbarous murder, have absconded, and fled, to avoid their being brought to justice: and whereas upon discoveries already made, criminal letters under the seal of the court of justiciary in that part of Great Britain called Scotland, have been raised and executed against several of the said persons; and, upon further discovery, the like process may be issued out of the said court against others who have likewise withdrawn themselves; be it therefore enacted, &c.

Fugitives not surrendering themselves, to suffer death. Upon their sur-

render to be committed. Persons concealing them to suffer death. This act to be read every first Sunday in the month for one year.

CAP. XXXVI.

An act for enlarging the term and powers granted by an act passed in the eighth year of the reign of his late majesty King George the First, For repairing the highways from the stones end at Whitechapel Church, in the county of Middlesex, to Shenfield, and to the furthestmost part of the parish of Woodford, leading to the town of Epping, in the county of Essex; and for repairing the road leading from the causeway in the parish of Low Layton (through Wanstead) to the end of the parish of Woodford next to the parish of Chigwell, in the said county of Essex.

The tolls are farther continued for 21 years.

CAP. XXXVII.

An act to prevent the act made in the twenty first year of the reign of King James the First, intituled, An act for limitation of actions, and for avoiding suits in law, being pleaded, insisted on, or taken advantage of, by any persons claiming under the last will of Richard Norton esquire, of Southwick, deceased; against any claim, title or demand which Thomas Norton esquire, hath to or upon the manor of Old Alresford, and lands in the county of Southampton, settled by indenture of the fifth of March, one thousand six hundred and fifty seven, or the rents and profits thereof.

Preamble.

WHEREAS Richard Norton, late of Southwick in the county of Southampton, esquire, by writing dated on or about the twenty fourth of June, one thousand seven hundred and fourteen, importing to be his last will and testament (after his funeral expences, legacies and debts shall be fully and punctually discharged and paid) devises, wills, and gives all his real and personal estate (except as therein mentioned) to the poor, (that is to say) to the poor, hungry, and thirsty, naked and strangers, sick and wounded, and prisoners; and appoints the poor aforesaid to be his absolute heir and heirs to the end of the world, and constitutes the legislature of Great Britain his executors: and whereas by virtue of an act of parliament made and passed in the sixth year of his present

Act 6 Geo. 2.
C. 32,

Majesty's reign, intituled, An act to enable certain persons to propound the papers importing to be the last will, codicils, and testamentary schedules of Richard Norton late of Southwick in the county of Southampton, esquire, deceased, in the prerogative court of Canterbury, and to sue for administration with the same annexed; Mark Frecker, Nicholas Paxton, and John Lawton esquires, were appointed to propound the said paper-writing, or testamentary schedule, and to take administration, so far as relates to the personal estate of the said Richard Norton, and to apply and administer the same according to the rules of law and equity; and they have accordingly obtained letters of administration from the ecclesiastical court with the said paper-writing or testamentary schedule annexed, and possessed the said Richard Norton's personal estate to a very great value; and whereas Thomas Norton of Ixworth, in the county of Suffolk,

Suffolk, esquire, lays claim to the manor of Old Alresford, and other lands and tenements in the county of Southampton, lately possessed by the said Richard Norton, deceased, and to the rents and profits thereof, or of some part thereof, from the year one thousand seven hundred and eight, down to the time of the death of the said Richard Norton, by virtue of a settlement made of the premises, or of some part thereof, by indenture bearing date on or about the fifth day of March, one thousand six hundred and fifty seven: and whereas by an act of parliament, made and passed in the twenty first year of the reign of King James the First, intituled, An act for limitation of actions, and for avoiding of suits in law, it was amongst other things enacted, that no person or persons should at any time thereafter make any entry into any lands, tenements, or hereditaments, but within twenty years next after his or their right or title should accrue to the same; and that all actions of debt for arrearages of rent should be commenced within six years after such cause of action accrued: and whereas the said Thomas Norton about Michaelmas term, in the year one thousand seven hundred and thirty three, did exhibit his bill in the high court of Chancery against the said administrators, and his Majesty's attorney general, for a discovery, account of, and satisfaction for the profits of the premises, while the said Richard Norton held the same: and whereas the said administrators have in their answer to the said bill insisted on the statute of limitations, in bar to the said Thomas Norton's demands, and hope to have the like advantage thereof, as if they had pleaded the same, &c.

21 Jac. 1. c. 16.

Anno undecimo GEORGII II. Regis.

AT the parliament begun and holden at Westminster, ^{a Vicefimo quarto} the fourteenth day of January, Anno Dom. 1734, ^{a in} to Januar. the eighth year of the reign of our sovereign lord GEORGE ^{Anno Regni} the Second, by the Grace of God, of Great Britain, France, ^{&c. undecimo.} and Ireland, King, defender of the faith, &c. And from ^{continuat. usque} thence continued by several prorogations to the twenty fourth ^{ad et in Jovis} day of January 1737. Being the fourth session of this present ^{decimum octavo.} parliament. ^{Januar. anno} ^{regni, &c.} ^{duodecimo.} ^{In recordo.}

CAP. I.

An act for continuing the duties upon malt, mum, cyder and perry, in that part of Great Britain called England; and for granting to his Majesty certain duties upon malt, mum, cyder and perry, in that part of Great Britain called Scotland; for the service of the year one thousand seven hundred and thirty eight. Exp.

CAP. II.

An act for punishing mutiny and desertion; and for the better payment of the army and their quarters. Exp.

CAP.

CAP. III.

An act for repairing the road leading from the Trent Bridge in the county of the town of Nottingham, through Costock, otherwise Cortlingstock Lane, to the bridges, commonly known by the name of Cotes Bridges, in the county of Leicester.

Certain tolls are granted from 10 May, 1728, for 21 years.

CAP. IV.

An act for laying a duty of two pennies Scots, or one sixth part of a penny sterling, upon every Scots pint of ale and beer which shall be brewed for sale, brought into, vendred, tapped or sold within the town of Aberbrothock, and liberties thereof.

Preamble.

WHEREAS the situation of the town of Aberbrothock in the shire of Forfar is such, that a commodious harbour there will not only tend to the advantage of the trade within the said town, but be of great use to the navigation in general upon the northern coasts of that part of Great Britain called Scotland: and whereas some years since the harbour there became so decayed, that it was hazardous for small vessels to sail into the same, whereupon the then provost, baillies, and council of the said town, did cause the foundation of a new harbour to be laid, and the work was carried on for some years at the sole expence of the said town and inhabitants thereof, whereby large debts were contracted, and they being unable to proceed in the said work, several charitable contributions were made and duly applied towards carrying on the same: and whereas the said town are incapable to finish and compleat the works of the said harbour (so necessary for the subsistence of the said town, and useful to the trade thereof) and to discharge the debts already contracted on account thereof, and to rebuild the town-house and common prison of the said town, which are now very old and decayed, and to repair the streets and causeways, which are in a very ruinous condition, unless some other provision be made for raising money for those purposes, &c.

The duty is granted from 1 May, 1738, for 25 years, &c.

CAP. V.

An act for taking down and rebuilding the church of the parish of All Saints in the city of Worcester.

CAP. VI.

An act for enlarging the term and powers granted by two acts of parliament, one of the third, and the other of the tenth year of the reign of his late majesty King George the First, For repairing the highways from that part of Counters Bridge which lies in the parish of Kensington, in the county of Middlesex, leading through the towns of Brentford and Hounslow, to the Powder Mills in the road to Staines, and to Cranford Bridge in the said county, in the road to Colnbrooke.

The tolls are farther continued for 21 years, and to the end of the next session of parliament.

CAP.

CAP. VII.

An act for continuing the term and powers granted and given by the acts passed in the eleventh and twelfth years of the reign of King William the Third, and in the ninth and tenth years of the reign of his late majesty King George, for repairing the harbour of Dover, in the county of Kent; and for restoring the harbour of Rye in the county of Sussex, to its antient goodness.

WHEREAS an act of parliament passed in the ninth year of the reign of his late majesty King George, intituled, An act for completing the repairs of the harbour of Dover, in the county of Kent; and for restoring the harbour of Rye, in the county of Sussex, to its ancient goodness, reciting, That an act was made in the eleventh and twelfth years of the reign of his late majesty King William the Third, for the repair of the said harbour of Dover, and that a duty of three pence per ton was thereby laid upon all such ships and vessels as are in the said last mentioned act, described, for raising a sum of money therein mentioned; which said duty was to commence from the first day of May, which was in the year of our Lord one thousand seven hundred, and to have continuance till the first day of May, which was in the year of our Lord one thousand seven hundred and nine; and also reciting, That the said last mentioned act was, by another act made in the second year of the reign of her late majesty Queen Anne, continued from the thirtieth day of April, one thousand seven hundred and nine, until the first day of May, one thousand seven hundred and eighteen; and likewise reciting, That the said two last mentioned acts were by another act made in the fourth year of the reign of his late majesty King George, further continued from the said first day of May, one thousand seven hundred and eighteen, until the first day of May, one thousand seven hundred and twenty seven; and it was by the said act passed in the ninth year of the reign of his said late majesty King George, further recited, That it was found, the said sum intended to be raised by the said act of the eleventh and twelfth years of his said late majesty King William the Third, was not sufficient for the purposes of the said former acts (several breaches and unforeseen accidents having happened by storms and the rage of the sea, and extraordinary works having been found necessary to be done for securing the said harbour of Dover) and that unless a further sum was raised the said harbour could not be effectually repaired and secured according to the intent of the said former acts, but that the useful works then begun and carried on for the benefit of the publick, would be wholly lost, and the said harbour again fall to decay, and the town itself be in danger of being utterly lost and destroyed; and it was also recited by the said act made in the ninth year of his said late majesty King George, That the ancient harbour of Rye was formerly of great use and benefit to trade and navigation, but the same was then choaked up and almost ruined by the shifting of the beach without, and settling of the siltage within, and by stopping the flux of the tide, so that for

Preamble, re-citing the act 9 Geo. 1. c. 30.

11 & 12 W. 3. c. 5.

2 Annæ, c. 7.

4 Geo. 1. c. 13.

pro-

preventing the utter loss of the said harbour of Rye it was necessary to open the same, and to let the tide have free course through certain places in the said last act mentioned near to the said harbour, or into such other cut or channel as should be found most proper and expedient to restore the said harbour; wherefore, and to the end the works at Dover harbour might be compleated, and finished, and the same harbour be effectually repaired and secured, and that the said harbour of Rye might be repaired and restored to its ancient goodness, and secured for the benefit of trade and navigation, it was by the said last mentioned act enacted, That the said acts respectively made in the eleventh and twelfth years of the reign of his late majesty King William the Third, and the second year of the reign of her late majesty Queen Anne (for the repair of Dover harbour) and every clause, matter, or thing in them or either of them contained, and not altered by the said act made in the ninth year of the reign of his said late majesty King George, should continue and be in full force and virtue till the first day of May, which shall be in the year of our Lord one thousand seven hundred and forty four, for the purposes in the said former acts, and the said act of the ninth year of his said late majesty King George, mentioned; and that the said duty of three pence per tun granted by the said first recited act, made in the eleventh and twelfth years of the reign of his said late majesty King William the Third, for the repair of Dover harbour, upon all ships and vessels therein described, should by virtue of the said act made in the ninth year of the reign of his said late majesty King George, from the said first day of May, one thousand seven hundred and twenty three, be collected and received in such manner, and by such officers and persons respectively, as in and by the said recited act of the eleventh and twelfth years of the reign of his said late majesty King William the Third, was directed and appointed; which said duty of three pence per tun was by the said act of the ninth year of his said late majesty King George, directed to be appropriated, divided, and paid for the benefit of the said harbours of Dover and Rye, respectively, in manner following; that is to say, one third thereof should be paid to the treasurer for Dover harbour for the time being, to be applied to such uses and purposes, as in and by the said former acts are directed; and the other two thirds should be paid to such person as should be appointed treasurer for the said harbour of Rye: and whereas by another act passed in the tenth year of the reign of his said late majesty King George, for making more effectual the said act made in the ninth year of his reign, for compleating the repairs of the said harbour of Dover, and for restoring the said harbour of Rye to its ancient goodness, so far as the same related to the harbour of Rye, it was recited, That it was found, that the said harbour of Rye might be made more useful and commodious, by opening and making a new cut or channel from the Winchelsea channel, right out to the sea, than if the method proposed by the said recited act made in the ninth year of the reign of his said late majesty King George, should be pursued: but it being doubted whether the powers given by the said last mentioned act did extend to the making any new cut or channel elsewhere than in the places described in the said act; therefore to explain and amend the said last mentioned act, it is enacted, That the commissioners and the trustees

10 Geo. 1. c. 7.

for

for repairing and restoring to its ancient goodness the said harbour of Rye, and their successors, or any eleven or more of them, shall and may erect, or order and cause to be done from time to time, all matters and things which they shall find or judge necessary for opening or making any new cut or channel from Winchelsea water to the sea; and for doing all other works necessary for effecting the purposes of the said act passed in the tenth year of the reign of his said late majesty King George: and whereas very large sums of money have been laid out and expended in carrying on the repairs of both the said harbours, and great progress hath been made in such repairs, but the same cannot be finished and completed, unless the term and powers granted and given in and by the said former acts be further continued and enlarged; to the end therefore that so useful and beneficial works for the service of trade and navigation may be effectually carried on and performed, may it please your Majesty that it may be enacted, &c.

The act of 9 Geo. 1. c. 30. continued for 21 years. The duties to discharge debts contracted by this and the former acts. Duties assignable for money borrowed.

CAP. VIII.

An act for continuing the terms and powers granted and given by the acts passed in the twelfth and thirteenth year of the reign of his late majesty King William, and the tenth year of her late majesty Queen Anne, For recovering, securing, and keeping in repair the harbour of Minehead, in the county of Somerset.

WHEREAS by an act of parliament made in the twelfth and thirteenth years of the reign of his late majesty King William the third, intituled, An act for recovering, securing, and keeping in repair the harbour of Minehead for the benefit and support of the navigation and trade of this kingdom; certain duties (over and besides the ancient and customary duties and acknowledgments before the passing the said act accustomed to be paid to Tregonwell Lutterell, esquire, and his ancestors) were by the said recited act laid upon such goods, merchandizes and shipping, as are therein particularly mentioned; which duties were granted to commence from and after the twenty fourth day of June, which was in the year of our Lord one thousand seven hundred and one, and to have continuance for the term of twenty one years, and to the end of the then next session of parliament, for building out a new head, clearing the beach and other works for the securing, preserving, amending, and maintaining the pier and harbour of Minehead: and whereas, in pursuance of the said act, a new head hath been built by the order of the trustees impowered to put the said act in execution; but the said whole duties not being sufficient to defray the charge of compleating and finishing the said pier, exclusive of the yearly expence of repairing what had been done, by reason of the great rage and constant flowing of the sea on the same, all the said rates, duties, and sums of money by the said act laid and granted, were, by another act made in the tenth year of the reign of her late majesty Queen Anne

Preamble, reciting the act 12 & 13 W. 3. c. 9.

10 Anne, c. 24.

(for

for prolonging the term for payment of the said duties granted by the said recited act made in the twelfth and thirteenth year of his late majesty King William the Third) further continued, charged upon, and made payable for an additional term of sixteen years, to commence from and after the expiration of the said term of twenty one years so granted and given as aforesaid: and whereas the money collected by the duties granted and continued hath been duly laid out for the several purposes in the said recited acts mentioned, but the same hath proved deficient to defray the expences thereof; and it being necessary to keep the mouth of the said harbour clear from the beach or great quantities of stones that are continually forced into it by the violence of the sea, whereby the same is frequently choaked up, and to carry on other works in order to secure the said harbour, and to keep the same in repair for the benefit and support of the navigation and trade of this kingdom, which cannot be done, unless the terms and powers granted and given by the said former acts (which will expire on the twenty fourth day of June, one thousand seven hundred and thirty eight) be further continued and enlarged: To the end therefore that the said works may be compleated and finished, and the mouth of the said harbour kept clear of the beach, and the said pier be effectually repaired and secured for the future, may it please your Majesty that it may be enacted, &c.

The former acts continued for 40 years, If the harbour be not kept in repair, the duties to cease.

CAP. IX.

An act for the relief of such prisoners for debt as have by unavoidable accidents lost the benefit of an act passed in the last session of parliament, intituled, *An act for the relief of insolvent debtors*; and for the indemnity of such sheriffs and gaolers as have incurred any penalties on account of such prisoners not being discharged; and for extending the benefit of the said act to creditors, whose debtors were committed to prison since the first day of January, one thousand seven hundred and thirty, and were detained there upon the first day of January one thousand seven hundred and thirty six, and have chose to continue there. Sheriffs, &c. to make a list of prisoners, and deliver it to the sessions, &c. Prisoners intituled to a discharge by the late debtors act, to be released by the justices, after 24 June, 1738. Sheriffs, &c. Trespassers against the former act, indemnified, if they conform to this act. EXP.

CAP. X.

An act for enlarging the term and powers granted and given by an act passed in the twelfth year of the reign of his late majesty King George, For repairing the roads from Lemsford Mill, in the county of Hertford, to Welwyn, and from thence to Cory's Mill, and from Welwyn, through Cadicot, to Hitchen, in the said county; and also for repairing the roads from Cory's Mill to Hitchen aforesaid.

The tolls granted by 12 Geo. 1. c. 10. are farther continued for 21 years, and to the end of the next session of parliament.

CAP. XI.

An act for allowing further time for inrolment of deeds and wills made by papists, and for relief of protestant purchasers, devisees, and lessees.

CAP. XII.

An act for continuing of an act made in the sixth year of the reign of his present Majesty, intituled, An act for the better regulation of lastage and balastage in the river Thames.

WHEREAS *an act made in the sixth year of the reign of his present Majesty, intituled, An act for the better regulation of lastage and balastage in the river Thames, which was to be in force from the first day of June, one thousand seven hundred and thirty three, for and during the space of five years, and from thence to the end of the then next session of parliament, is near expiring: and whereas the said act has been found to be a very useful law, and to tend greatly to the preservation of the said river Thames, and thereby to promote and encourage the trade of this kingdom; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said act, and all and every the powers, authorities, clauses, and provisions therein contained, shall be and continue, and the same is and are hereby continued in force, from and after the expiration of the term in the said act limited as aforesaid, for and during the further term of seven years thence next ensuing, and to the end of the then next session of parliament, and no longer.*

Preamble, reciting the act
6 Geo. 2. c. 29.

Continuation
for 7 years,
Further continued by
18 Geo. 2. c. 22.

CAP. XIII.

An act to enlarge the term and powers granted by an act of parliament made and passed in the third year of the reign of his late majesty King George, intituled, An act to enable the parishioners of the parish of Saint Mary Rotherhithe, in the county of Surrey, by certain funeral rates therein mentioned, to finish the said parish church, and to enable the said parishioners to raise such further sums of money as shall be necessary for purchasing a convenient piece of ground for an additional burial ground, and for other the purposes therein mentioned.

CAP. XIV.

An act for granting an aid to his Majesty by a land tax to be raised in Great Britain, for the service of the year one thousand seven hundred and thirty eight. EXP. 2s. in the pound.

CAP. XV.

An act to empower the court of lord mayor and aldermen of the city of London to set the price upon all coals, commonly called sea coals, imported into the port of London from Newcastle and the ports adjacent thereunto, for the space of one year; and to oblige, for the term therein mentioned, fitters, and others vending and loading ships with sea coals at Newcastle and the ports adjacent thereunto, to deliver such coals to any masters of ships applying for the same; and for further obliging buyers and sellers of sea coals at Billingsgate or other place of sale within the bills of mortality, to sign their contracts for coals; and for the admeasurement of all carriages whatsoever used in loading ships with coals in the port of Newcastle and members thereunto belonging. Lord mayor and aldermen to set the price upon all sea coals imported into the port of London, for one year; who have power to call before them all persons, and examine them as witnesses, &c. Persons selling coals

coals at a higher price to forfeit 36 s. for every chaldron. Persons aggrieved may appeal to the quarter sessions, &c. Fitters, &c. of sea coals, at Newcastle, &c. refusing to deliver to master of ship, a loading of coals, upon his offering money, &c. for them, to forfeit 500 l. until May, 1739. EXP.

3 Geo. 2. c. 26. VI.

AND *whereas by an act made in the third year of his present Majesty's reign, intituled, An act for the better regulation of the coal trade, it was enacted, that from and after the twenty fourth day of June, one thousand seven hundred and thirty, all bargains or contracts for coals between buyer and seller at the market of Billingsgate, or other place of sale within the bills of mortality, shall by the crimp or factor who has the disposal of such coals, be fairly entered, with the conditions thereof, in the pocket or other book of such crimp or factor, subscribed by the seller and the buyer, and witnessed by the said crimp or factor; yet, notwithstanding such act, many of the buyers and sellers of coals have neglected or refused to sign such contracts in manner aforesaid; therefore be it enacted by the authority aforesaid, that from and after the first day of June, one thousand seven hundred and thirty eight, if any buyer or seller of coals at Billingsgate, or other place of sale within the bills of mortality, being thereunto required, shall refuse or neglect to sign the contracts in such manner as by the said recited act is directed, that then and in such case every such buyer and seller respectively so refusing or neglecting shall, for every such offence, forfeit the sum of fifty pounds, one moiety thereof to his Majesty, his heirs and successors, and the other moiety to such person or persons as shall sue for the same in any of his Majesty's courts of record at Westminster within the space of six months after such offence committed.*

Buyers and sellers of coals at Billingsgate to sign all contracts made between them, under penalty of 50l.

Master of ship to produce to his owner a copy of such contract signed by the crimp or factor, under penalty of 50l.

VII. *And be it further enacted by the authority aforesaid, That from and after the said first day of June, every master of a ship carrying coals as aforesaid shall after every respective voyage made by him produce to his owner or owners (when required) a copy of such contract or contracts signed by the crimp or factor, in whose book the said contract is or shall be entered as aforesaid; and in case of refusal such master so refusing shall forfeit and pay the sum of fifty pounds, to be recovered and disposed of as aforesaid.*

VIII. *And whereas by an act made and passed in the sixth and seventh year of the reign of his late majesty King William the Third, intituled, An act for the better admeasurement of keels and keel boats in the port of Newcastle, and the members thereunto belonging, it was enacted, That commissioners should from time to time be appointed by his then Majesty, his heirs and successors, for the admeasuring and marking all and any the keels, pan-keels, and pan-boats; and other boats, and wains, and carts used, or any time thereafter to be used for the carriage of coals in the port of Newcastle upon Tyne, Sunderland upon the river Wear, Cullercoats, Seaton Sluice, Blythe Nook, and all other places within the counties of Northumberland and Durham, and all and every the members, havens, rivers, creeks, and places whatsoever, to the said port of Newcastle, and counties aforesaid belonging, which said admeasurements should be by a dead weight*

weight of lead or iron or otherwise, as should seem meet to the said commissioners, or any three of them, allowing fifty three hundred weight to every chaldron of coals; and which said keels, boats, wains, or carts were thereby directed to be admeasured or marked at the times and places, and in manner therein mentioned: and whereas since the making the said recited act, divers persons concerned in the coal trade have used and employed waggons, barrows, and other carriages, not mentioned, specified, or comprized within the directions of the said act, whereby divers frauds, deceits, and abuses have arisen, to the great prejudice and damage of the buyers and sellers of coals, and the diminution of his Majesty's customs; wherefore for preventing such frauds and abuses for the future, be it further enacted by the authority aforesaid, That from and after the said first day of ^{Commissioners appointed by act of 6 & 7 W. 3. may} June, one thousand seven hundred and thirty eight, it shall and admeasure, mark, &c. all waggons, &c. used in loading ships with coals. may be lawful to and for the commissioners appointed or to be appointed by virtue and in pursuance of the said former act, or any three or more of them, to admeasure, weigh, and mark, or cause to be admeasured, weighed, and marked, all waggons, barrows, and all other carriages whatsoever, used, or hereafter to be used and employed, in loading ships with coals in the port of Newcastle, and members thereunto belonging; and that such admeasurement, weighing, and marking shall be made and taken by such rules and methods, and at such places, as in and by the said former act is directed and appointed concerning the wains and carts thereby directed and appointed to be admeasured.

IX. And be it further enacted by the authority aforesaid, ^{Publick act.} That this act shall be deemed and taken to be a publick act to all intents and purposes, and shall be judicially taken notice of as such by all judges, justices, and other persons whatsoever without the same being specially pleaded or set forth.

C A P. XVI.

An act for continuing the duty of two pennies Scots, or one sixth part of a penny Sterling on each pint of ale and beer that shall be vended or sold within the town of Invernes and privileges thereof, for paying the debts of the said town, and other purposes therein mentioned.

WHEREAS by an act passed in the fifth year of the reign of ^{Preamble re-} his late majesty King George the First, intituled, ^{his late majesty King George the First, intituled, An act} An act ^{citing the act} for laying a duty of two pennies Scots, or one sixth part of a pen- ^{5 Geo. 1. c. 17.} ny Sterling, upon every pint of ale or beer that shall be vended or sold within the town of Invernes, and privileges thereof, for paying the debts of the said town, and for building a church, and making a harbour there; it was enacted, That a duty of two pennies Scots, or one sixth part of a penny Sterling (over and above the duty of excise paid or payable to his Majesty, his heirs or successors) should from and after the first day of June, one thousand seven hundred and nineteen, for and during the term of nineteen years, and to the end of the then next session of parliament, be laid upon every Scots pint of ale and beer that should be brewed, brought in, or

vended, tapped, or sold within the said town and privileges thereof; and that the said imposition or duty should be paid and made payable by the brewers, vintners, sellers, and tapsters of the said ale and beer, for and during the term aforesaid, to the magistrates and town council of the said town, and their successors in office for the time being, and their assigns or collectors, for the use of the community thereof, to be applied towards the discharge of the debts of the town then owed, towards repairing the churches, building a new one, and providing for a minister or ministers for the same, and improving their harbour for the encouragement of trade and preservation of shipping: and whereas at the commencement of the said duty the yearly produce thereof at a medium of the first five years, amounted to about three hundred and eighty five pounds Sterling, which encouraged the provost, bailies, and town council of the said town (who by the said act were appointed trustees for executing the purposes thereof) to enter upon a design of greatly enlarging and improving their harbour; in order whereunto they purchased some grounds, rented some quarries, built boats for transporting stone, and actually expended about two thousand seven hundred and ninety pounds Sterling in deepning their harbour, and erecting proper quays and bulwarks for the improvement and security thereof, whereby their harbour is much more commodious than formerly, though far from being completed: and whereas towards carrying on this work the said magistrates and town council were obliged to borrow several sums of money, having employed the produce of the duty for some years after the commencement thereof to the payment of the town's debts, and other purposes of the grant, by the approbation of the overseers appointed by the said act: and whereas though the said magistrates and town council had reason from the produce of the duty for the first five years thereof to make estimates, and form their design as they did, yet the event hath not answered their expectation, for the duty has been sinking gradually these thirteen years past, insomuch that at a medium of the produce for the four years immediately preceding the twenty third of June last the annual amount does not come up to one hundred and twenty eight pounds, chiefly occasioned as is apprehended by the excessive use of run tea and brandy, to which the inhabitants are encouraged by the lowness of the price, whereby the consumption of beer and ale is greatly lessened, as well as traders in the fair way are undone: and whereas this unexpected sinking of the produce of the duty has been the cause, that the said magistrates and town council have not been able to complete their harbour, now advanced to a considerable length, nor to discharge the debts contracted for carrying it on, and the grant being to determine at the end of this present session of parliament, the harbour must remain unfinished, and the town, the proper revenue whereof is very inconsiderable, must remain subject to the debts contracted for the use of the harbour, unless they are relieved by the continuance of the duty granted by the aforesaid act, &c.

The duty is further continued for 21 years, and to the end of the next session of parliament.

C A P. XVII.

An act for securing the estates of papists conforming to the protestant religion, against the disabilities created by several acts of parliament relating to papists; and for rendering more effectual the several acts of parliament made for vesting in that part of Great Britain called England the presentations of benefices belonging to papists.

WHEREAS persons professing or educated in the popish religion, are by divers acts of parliament subjected to several disabilities and incapacities, which may affect persons conforming from the popish to the protestant religion: and whereas many persons have already conformed to the protestant religion, and are willing to submit to his Majesty's government in as full and ample manner as any other of his Majesty's subjects, and others are likely so to do; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That all and every person or persons being reputed owner or owners, or in possession or receipt of the rents and profits of any manors, messuages, lands, tenements, or hereditaments, or of any interest therein, who having been, or reputed to be a papist or papists, or educated in the popish religion, hath or have conformed to, or hereafter shall conform to and profess, the protestant religion, and hath or have taken, or shall take the oaths of allegiance, supremacy, and abjuration, and also subscribed, or shall subscribe, the declarations set down and expressed in an act of parliament made in the thirtieth year of the reign of the late king *Charles the Second*, intituled, *An act for the more effectual preserving the King's person and government, by disabling papists from sitting in either house of parliament*, to be by him, her, or them repeated and subscribed in the courts of *Chancery*, or *King's Bench*, or quarter sessions of the county where such person or persons shall reside (all which shall be recorded in one of his Majesty's courts of record at *Westminster*, or such quarter sessions as aforesaid) and all and every person and persons being protestants, claiming under such person or persons conforming and performing the requisites as aforesaid, for their own benefit, or for the benefit of any other protestant or protestants, and not for the benefit of any papist or papists, shall hold, possess, and enjoy all such manors, messuages, lands, tenements and hereditaments, freed and discharged of and from the disabilities and incapacities in the said acts, or any of them contained, incurred, or supposed to be incurred by such person or persons so reputed owner or owners, or in possession, or receipt of the rents and profits as aforesaid, or by any other person or persons, by, from, or through whom the title to such manors, messuages, lands, tenements, or hereditaments, or any interest therein, was or shall be derived, or supposed to be derived, for such estate, right, title, or interest, as he, she, or they had, or would have

Owners of any estate, being papists, on conforming, &c. and all protestants claiming under them, to possess such estate, freed of the disabilities incurred by such owners, &c. unless the persons intitled to take advantage of such disability shall recover by judgment in some action to be commenced within 6 calendar months before such conforming.

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had, if no such disability or incapacity had been incurred; unless the person or persons intitled to take advantage of such disability, incapacity, or defect of title, hath or have actually and *bona fide* recovered, or shall hereafter recover, such manors, messuages, lands, tenements, or hereditaments, by judgment or decree, in some action or suit already commenced, or hereafter to be commenced, six calendar months at least before the making of such record, and to be prosecuted with due diligence.

Not to prejudice the right of any person, who shall have been in possession 2 calendar months.

II. Provided nevertheless, That this act, or any thing herein contained, shall not take away or prejudice the right of any person or persons intitled to take advantage of such disability or incapacity, who now is or are in the actual possession of, or shall have, precedent to the making of such record, been in quiet possession of any such manors, messuages, lands, tenements, or hereditaments, by the space of two calendar months.

Persons returning to the popish religion, not to have any benefit by this act.

III. Provided always, and be it further enacted by the authority aforesaid, That if any such person or persons so conforming as aforesaid, shall, after such conformity, return to, or again profess, the popish religion, every such person and persons shall for ever afterwards be disabled from, and be incapable of, having or enjoying any benefit, privilege, or advantage of this act, and shall from thenceforth be liable to the same disabilities, incapacities, and forfeitures, as if he, she, or they had not taken the said oaths, and subscribed the declaration as aforesaid; any thing herein contained to the contrary notwithstanding.

This act not to prejudice the right of any person intitled to any reversion, if pursued within 12 calendar months, &c.

IV. Provided always, That nothing in this act contained shall extend to take away or prejudice the right of any person intitled to any remainder or reversion in any such manors, messuages, lands, tenements, or hereditaments, in case such person shall pursue his or her said right by some action or suit to be commenced within the space of twelve calendar months next after the precedent estate or estates, on which such remainder or reversion depends and is expectant, shall be determined; or within twelve calendar months, from and after the twenty ninth day of *September*, one thousand seven hundred and thirty eight, if such precedent estate or estates be already determined by the death or deaths of any person or persons, whose deaths have been concealed from, or not known to, the person intitled to such remainder or reversion, by reason of their having been buried beyond the seas, or in a private and clandestine manner at home, and shall prosecute such action or suit with due diligence.

12 Annæ, st. 2.
c. 14.
and 1 W. & M.
st. 1. c. 26.

V. *And whereas by an act made in the twelfth year of the reign of Queen Anne, for rendring more effectual an act made in the third year of the reign of King James the First, intituled, An act to prevent and avoid dangers which may grow by popish recusants; and also one other act made in the first year of the reign of King William and Queen Mary, intituled, An act to vest in the two universities the presentations of benefices belonging to papists; it was enacted, That every papist or person making profession of the popish religion, and every child, not being a protestant, under*

the

the age of one and twenty years, of every such papist or person professing the popish religion, and every mortgagee, trustee, or person any ways intrusted directly or indirectly, mediately or immediately, by or for any such papist or person making profession of the popish religion, or such child as aforesaid, whether such trust be declared by writing or not, should be disabled and made incapable to present, collate, or nominate to any benefice, prebend, or ecclesiastical living, school, hospital, or donative, or to grant any avoidance of any benefice, prebend, or ecclesiastical living, and that every such presentation, collation, nomination, and grant, and every admission, institution, and induction to be made thereupon, should be utterly void and of no effect to all intents, constructions, and purposes whatsoever; and that in every such case the chancellor and scholars of the university of Oxford, and the chancellor and scholars of the university of Cambridge, should respectively have the presentation, nomination, collation, and donation of and to every such benefice, prebend, or ecclesiastical living, school, hospital, and donative, set, lying and being in the respective counties, cities, and other places and limits in the said act of the third year of King James mentioned, as in and by the said act is directed and appointed in the case of a popish recusant convict: and whereas for the better discovery of all secret trusts and fraudulent conveyances made by papists or persons making profession of the popish religion, of their advowsons and right of presentation, nomination, and donation to any benefices or ecclesiastical livings, several provisions were made by the said act of the twelfth year of the reign of Queen Anne, which have been fraudulently evaded by persons obtaining from such papists, without a full and valuable consideration, grants of such advowsons and right of presentation, nomination, and donation, upon confidence only, that such grantees will, at the request of such papists, present to such benefices or ecclesiastical livings, clerks nominated by such papists, who have been presented accordingly, contrary to the true intent and meaning of the said acts, and to the great hurt of the protestant interest of this kingdom; be it therefore enacted by the authority aforesaid, That every grant to be made from and after the sixth day of May, one thousand seven hundred and thirty eight, of any advowson or right of presentation, collation, nomination, or donation, of and to any benefice, prebend, or ecclesiastical living, school, hospital, or donative, and every grant or any avoidance thereof, by any papist, or person making profession of the popish religion, or any mortgagee, trustee, or person any ways intrusted directly or indirectly, mediately or immediately, by or for any such papist or person making profession of the popish religion, whether such trust be declared by writing or not, shall be null and void, unless such grant shall be made *bona fide*, and for a full and valuable consideration to and for a protestant purchaser or protestant purchasers, and merely and only for the benefit of a protestant or protestants; and that every such grantee, or person claiming under any such grant, shall be deemed to be a trustee for a papist or person professing the popish religion as aforesaid, within the true intent and meaning of the said act; and that all such

Every grant made after 6 May, 1738, of any ecclesiastical living, &c. by any papist, &c. void,

unless made for a valuable consideration to a protestant purchaser, &c.

Every devise made of any ecclesiastical living after 6 May, 1738, by a papist, void.

grantees, or persons claiming under such grants, and their presentees, shall be compelled to make such discovery relating to such grants and presentations made thereupon, and by such methods, as in and by the said act of the twelfth year of the reign of Queen *Anne*, are directed in the case of trustees of papists or persons professing the popish religion; and that every devise to be made from and after the said sixth day of *May*, by any papist or person professing the popish religion, of any such advowson or right of presentation, collation, nomination, or donation, or any such avoidance, with intent to secure the benefit thereof to the heirs or family of such papist or person professing the popish religion, shall be null and void, and that all such devisees, and persons claiming under such devisees, and their presentees, shall in the like manner, and by such methods, be compelled to discover, whether to the best of their knowledge and belief, such devises were not made with the said intent.

C A P. XVIII.

An act to continue two several acts therein mentioned; one for encouraging the growth of coffee in his Majesty's plantations in America, and the other for the better securing and encouraging the trade of his Majesty's sugar colonies in America.

Preamble.

WHEREAS the laws herein after-mentioned are found to be very useful and beneficial to the publick, and are so near expiring, that it is fit they should now be continued; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act passed in the fifth year of his present Majesty's reign, intituled, *An act for encouraging the growth of coffee in his Majesty's plantations in America*, which was to be in force from the twenty fifth day of *March*, one thousand seven hundred and thirty five, to the twenty fifth day of *March*, one thousand seven hundred and thirty nine, and from thence to the end of the then next session of parliament, shall be, and the same is hereby continued from the time therein limited for the expiration thereof, for the term of seven years, and from thence to the end of the then next session of parliament.

The act 5 Geo. 2. c. 24. relating to coffee, continued for 7 years. Farther continued by 25 Geo. 2. c. 35.

The act 6 Geo. 2. c. 13. relating to sugar, continued for 7 years. Farther continued by 26 Geo. 2. c. 32.

II. And be it further enacted by the authority aforesaid, That an act made in the sixth year of his present Majesty's reign, intituled, *An act for the better securing and encouraging the trade of his Majesty's sugar colonies in America*, which was to be in force from the twenty fourth day of *June*, one thousand seven hundred and thirty three, for the space of five years, and to the end of the then next session of parliament, shall be, and the same is hereby continued from the time therein limited for the

the expiration thereof, for the further term of seven years, and from thence to the end of the then next session of parliament.

CAP. XIX.

An act for the more effectual securing the payment of rents, and preventing frauds by tenants.

WHEREAS the several laws heretofore made for the better Preamble.

security of rents, and to prevent frauds committed by tenants, have not proved sufficient to obtain the good ends and purposes designed thereby, but rather the fraudulent practices of tenants, and the mischief intended by the said acts to be prevented, have of late years increased, to the great loss and damage of their lessors or landlords; for remedy whereof, may it please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of June, in the year of our Lord one thousand seven hundred and thirty eight, in case any tenant or tenants, lessee or lessees for life or lives, term of years, at will, sufferance, or otherwise, of any messuages, lands, tenements, or hereditaments, upon the demise or holding whereof any rent is or shall be reserved, due, or made payable, shall fraudulently or clandestinely convey away, or carry off or from such premises, his, her, or their goods or chattels, to prevent the landlord or lessor, landlords or lessors, from distraining the same for arrears of rent so reserved, due, or made payable; it shall and may be lawful to and for every landlord or lessor, landlords or lessors, within that part of Great Britain called England, dominion of Wales, or the town of Berwick upon Tweed, or any person or persons by him, her, or them for that purpose lawfully empowered, within the space of thirty days next ensuing such conveying away or carrying off such goods or chattels as aforesaid, to take and seize such goods and chattels, wherever the same shall be found, as a distress for the said arrears of rent; and the same to sell, or otherwise dispose of, in such manner as if the said goods and chattels had actually been distrained by such lessor or landlord, lessors or landlords, in and upon such premises for such arrears of rent; any law, custom, or usage to the contrary in any wise notwithstanding.

Landlords may distrain and sell goods fraudulently carried off the premises, within 30 days.

II. Provided always, That no landlord or lessor, or other person intitled to such arrears of rent, shall take or seize any such goods or chattels as a distress for the same, which shall be sold *bona fide*, and for a valuable consideration, before such seizure made, to any person or persons not privy to such fraud as aforesaid; any thing herein contained to the contrary notwithstanding.

unless sold to any person not privy to the fraud.

III. And to deter tenants from such fraudulent conveying away

Penalty on the
said fraud, or
assisting there-
to.

away their goods and chattels, and others from wilfully aiding or assisting therein, or concealing the same; be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, if any such tenant or lessee shall fraudulently remove and convey away his or her goods or chattels as aforesaid, or if any person or persons shall wilfully and knowingly aid or assist any such tenant or lessee in such fraudulent conveying away or carrying off of any part of his or her goods or chattels, or in concealing the same; all and every person and persons so offending shall forfeit and pay to the landlord or landlords, lessor or lessors, from whose estate such goods and chattels were fraudulently carried off as aforesaid, double the value of the goods by him, her, or them respectively carried off or concealed as aforesaid; to be recovered by action of debt in any of his Majesty's courts of record at *Westminster*, or in the courts of session in the counties palatine of *Chester*, *Lancaster*, or *Durham* respectively, or in the courts of grand sessions in *Wales*; wherein no essoin, protection, or wager of law shall be allowed, nor more than one imparlance.

If the goods
exceed not the
value of 50 l.
landlords to
have recourse
to a justices.

IV. Provided always, and be it enacted by the authority aforesaid, That where the goods and chattels so fraudulently carried off or concealed shall not exceed the value of fifty pounds, it shall and may be lawful for the landlord or landlords, from whose estate such goods or chattels were removed, his, her, or their bailiff, servant, or agent, in his, her, or their behalf, to exhibit a complaint in writing against such offender or offenders, before two or more justices of the peace of the same county, riding, or division of such county, residing near the place whence such goods and chattels were removed, or near the place where the same were found, not being interested in the lands or tenements whence such goods were removed; who may summon the parties concerned, examine the fact, and all proper witnesses, upon oath, or if any such witness be one of the people called *Quakers*, upon affirmation required by law; and in a summary way determine, whether such person or persons be guilty of the offence, with which he or they are charged; and to enquire in like manner of the value of the goods and chattels by him, her, or them respectively so fraudulently carried off or concealed as aforesaid; and, upon full proof of the offence, by order under their hands and seals, the said justices of peace may and shall adjudge the offender or offenders to pay double the value of the said goods and chattels to such landlord or landlords, his, her, or their bailiff, servant, or agent, at such time as the said justices shall appoint: and in case the offender or offenders having notice of such order, shall refuse or neglect so to do, may and shall, by warrant under their hands and seals, levy the same by distress and sale of the goods and chattels of the offender or offenders; and for want of such distress, may commit the offender or offenders to the house of correction, there to be kept to hard labour with-

without bail or mainprize for the space of six months, unless the money so ordered to be paid as aforesaid shall be sooner satisfied.

V. Provided also, That it shall and may be lawful for any person, who thinks himself aggrieved by such order of the said two justices, to appeal to the justices of peace at their next general or quarter sessions to be held for the same county, riding, or division of such county, who may and shall hear and determine such appeal, and give such costs to either party as they shall think reasonable, whose determination therein shall be final.

Appeal from them to the quarter sessions.

VI. Provided also, That where the party appealing shall enter into a recognizance with one or two sufficient surety or sureties in double the sum so ordered to be paid, with condition to appear at such general or quarter sessions, the order of the said two justices shall not be executed against him in the mean time.

The 2 justices order, on such appeal, not to be executed.

VII. And be it further enacted by the authority aforesaid, That where any goods or chattels fraudulently or clandestinely conveyed or carried away by any tenant or tenants, lessee or lessees, his, her, or their servant or servants, agent or agents, or other person or persons aiding or assisting therein, shall be put, placed, or kept in any house, barn, stable, out-house, yard, close, or place locked up, fastened, or otherwise secured, so as to prevent such goods or chattels from being taken and seized as a distress for arrears of rent; it shall and may be lawful for the landlord or landlords, lessor or lessors, his, her, or their steward, bailiff, receiver, or other person or persons empowered to take and seize, as a distress for rent, such goods and chattels (first calling to his, her, or their assistance the constable, headborough, borsholder, or other peace officer of the hundred, borough, parish, district, or place, where the same shall be suspected to be concealed, who are hereby required to aid and assist therein; and in case of a dwelling-house, oath being also first made before some justice of the peace of a reasonable ground to suspect that such goods or chattels are therein) in the day-time, to break open and enter into such house, barn, stable, out-house, yard, close, and place, and to take and seize such goods and chattels for the said arrears of rent, as he, she, or they might have done by virtue of this or any former act, if such goods and chattels had been put in any open field or place.

Landlords may break open houses to seize goods fraudulently secured therein;

7th King: 650.

VIII. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of June, which shall be in the year of our Lord one thousand seven hundred and thirty eight, it shall and may be lawful to and for every lessor or landlord, lessors or landlords, or his, her, or their steward, bailiff, receiver, or other person or persons empowered by him, her, or them, to take and seize, as a distress for arrears of rent, any cattle or stock of their respective tenant or tenants, feeding or depasturing upon any common, appendant or

and may distress stock or cattle on the premises, for arrears of rent.

or appurtenant, or any ways belonging to all or any part of the premises demised or holden; and also to take and seize all sorts of corn and grafs, hops, roots, fruits, pulse, or other product whatsoever, which shall be growing on any part of the estates so demised or holden, as a distress for arrears of rent; and the same to cut, gather, make, cure, carry, and lay up, when ripe, in the barns, or other proper place on the premises so demised or holden; and in case there shall be no barn or proper place on the premises so demised or holden, then in any other barn or proper place which such lessor or landlord, lessors or landlords shall hire or otherwise procure for that purpose, and as near as may be to the premises; and in convenient time to appraise, sell, or otherwise dispose of the same, towards satisfaction of the rent for which such distress shall have been taken, and of the charges of such distress, appraisement, and sale, in the same manner as other goods and chattels may be seized, distrained, and disposed of; and the appraisement thereof to be taken when cut, gathered, cured, and made, and not before.

Tenants to have notice of the place where the distress is lodged.

Distress of corn, &c. to cease, if rent be paid before it be cut.

IX. Provided always, That notice of the place where the goods and chattels so distrained shall be lodged or deposited, shall, within the space of one week after the lodging or depositing thereof in such place, be given to such lessee or tenant, or left at the last place of his or her abode; and that if after any distress for arrears of rent so taken, of corn, grafs, hops, roots, fruits, pulse, or other product which shall be growing as aforesaid, and at any time before the same shall be ripe and cut, cured, or gathered, the tenant or lessee, his or her executors, administrators, or assigns, shall pay, or cause to be paid to the lessor or landlord, lessors or landlords, for whom such distress shall be taken, or to the steward or other person usually employed to receive the rent of such lessor or lessors, landlord or landlords, the whole rent which shall be then in arrear, together with the full costs and charges of making such distress, and which shall have been occasioned thereby; that then, and upon such payment, or lawful tender thereof actually made, whereby the end of such distress will be fully answered, the same and every part thereof shall cease; and the corn, grafs, hops, roots, fruits, pulse, or other product so distrained, shall be delivered up to the lessee or tenant, his or her executors, administrators or assigns; any thing herein before contained to the contrary notwithstanding.

X. And whereas great difficulties and inconveniencies frequently arise to landlords and lessors and other persons taking distresses for rent in removing the goods and chattels or stock distrained, off the premises, in cases where by law they may not be impounded and secured thereupon; and also to the tenants themselves many times, by the damage unavoidably done to such goods and chattels, or stock, in the removal thereof; be it enacted by the authority aforesaid, That from and after the said twenty fourth day of June, one thousand seven hundred and thirty eight, it shall and may be lawful to and for any person or persons lawfully taking any distress for any kind

Distresses may be secured, and sold on the premises.

kind of rent, to impound, or otherwise secure the distress so made, of what nature or kind soever it may be, in such place, or on such part of the premises chargeable with the rent, as shall be most fit and convenient for the impounding and securing such distress; and to appraise, sell, and dispose of the same upon the premises, in like manner, and under the like directions and restraints to all intents and purposes, as any person taking a distress for rent may now do off the premises, by virtue of an act made in the second year of the reign of King William and Queen Mary, intituled, *An act for enabling the sale of goods distrained for rent, in case the rent be not paid in a reasonable time*; or of one other act made in the fourth year of his present Majesty, intituled, *An act for the more effectual preventing frauds committed by tenants, and for the more easy recovery of rents, and renewal of leases*; and that it shall and may be lawful to and for any person or persons whatsoever, to come and go to and from such place or part of the said premises, where any distress for rent shall be impounded and secured as aforesaid, in order to view, appraise, and buy, and also in order to carry off or remove the same, on account of the purchaser thereof; and that if any pound-breach or rescous shall be made of any goods and chattels, or stock distrained for rent, and impounded or otherwise secured by virtue of this act, the person or persons aggrieved thereby shall have the like remedy, as in cases of pound-breach or rescous is given and provided by the said statute.

XI. *And whereas the possession of estates in lands, tenements, and hereditaments is rendered very precarious by the frequent and fraudulent practice of tenants, in attorning to strangers, who claim title to the estates of their respective landlord or landlords, lessor or lessors, who by that means are turned out of possession of their respective estates, and put to the difficulty and expence of recovering the possession thereof by actions or suits at law; for remedy thereof, be it enacted by the authority aforesaid, That from and after the said* Attornment of tenants, void. *twenty fourth day of June, in the year of our Lord one thousand seven hundred and thirty eight, all and every such attornment and attornments of any tenant or tenants of any messuages, lands, tenements, or hereditaments, within that part of Great Britain called England, dominion of Wales, or town of Berwick upon Tweed, shall be absolutely null and void to all intents and purposes whatsoever; and the possession of their respective landlord or landlords, lessor or lessors, shall not be deemed or construed to be any wise changed, altered, or affected by any such attornment or attornments: Provided always, That* Exception, *nothing herein contained shall extend to vacate or affect any attornment made pursuant to and in consequence of some judgment at law, or decree or order of a court of equity, or made with the privity and consent of the landlord or landlords, lessor or lessors, or to any mortgagee after the mortgage is become forfeited.*

XII. *And whereas great inconveniencies have frequently happened to landlords by their tenants secreting declarations in ejectment, which*
have

Against tenants secreting
ejectments.

have been delivered to them, or by refusing to appear to such ejectments, or to suffer their landlords to take upon them the defence thereof; be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June* one thousand seven hundred and thirty eight, every tenant, to whom any declaration in ejectment shall be delivered for any lands, tenements, or hereditaments, in that part of *Great Britain* called *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, shall forthwith give notice thereof to his or her landlord or landlords, or his, her, or their bailiff or receiver, under penalty of forfeiting the value of three years improved or rack rent of the premises so demised or holden in the possession of such tenant, to the person of whom he or she holds; to be recovered by action of debt to be brought in any of his Majesty's courts of record at *Westminster*, or in the counties palatine of *Chester*, *Lancaster*, and *Durham*, respectively, or in the courts of grand-sessions in *Wales*; wherein no essoin, protection, or wager of law shall be allowed, nor any more than one imparlance.

Landlord im-
powered to
make himself
defendant by
joining with
the tenant,
&c.

mortgage where
intended.
6 Bing: 612.

XIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the court where such ejectment shall be brought, to suffer the landlord or landlords to make him, her, or themselves defendant or defendants, by joining with the tenant or tenants, to whom such declaration in ejectment shall be delivered, in case he or they shall appear; but in case such tenant or tenants shall refuse or neglect to appear, judgment shall be signed against the casual ejector for want of such appearance; but if the landlord or landlords of any part of the lands, tenements, or hereditaments, for which such ejectment was brought, shall desire to appear by himself or themselves, and consent to enter into the like rule that by the course of the court the tenant in possession in case he or she had appeared ought to have done; then the court where such ejectment shall be brought shall and may permit such landlord or landlords so to do, and order a stay of execution upon such judgment against the casual ejector, until they shall make further order therein.

Rents how to
be recovered,
where the de-
mises are not
by deed.

XIV. And to obviate some difficulties that many times occur in the recovery of rents, where the demises are not by deed, be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, it shall and may be lawful to and for the landlord or landlords, where the agreement is not by deed, to recover a reasonable satisfaction for the lands, tenements, or hereditaments, held or occupied by the defendant or defendants, in an action on the case, for the use and occupation of what was so held or enjoyed; and if in evidence on the trial of such action any parol demise or any agreement (not being by deed) whereon a certain rent was reserved shall appear, the plaintiff in such action shall not therefore be nonsuited, but may make use thereof as an evidence of the *Quantum* of the damages to be recovered.

XV. And whereas where any lessor or landlord, having only an estate for life in the lands, tenements, or hereditaments demised, hap-

pens to die before or on the day, on which any rent is reserved, or made payable, such rent, or any part thereof, is not by law recoverable by the executors or administrators of such lessor or landlord; nor is the person in reversion entitled thereto, any other than for the use and occupation of such lands, tenements, or hereditaments, from the death of the tenant for life; of which advantage hath been often taken by the under-tenants, who thereby avoid paying any thing for the same; for remedy whereof, be it enacted by the authority aforesaid, That from and after the twenty fourth day of June, one thousand seven hundred and thirty eight, where any tenant for life shall happen to die before or on the day, on which any rent was reserved or made payable upon any demise or lease of any lands, tenements, or hereditaments, which determined on the death of such tenant for life, that the executors or administrators of such tenant for life shall and may in an action on the case recover of and from such under-tenant or under-tenants of such lands, tenements, or hereditaments, if such tenant for life die on the day on which the same was made payable, the whole, or if before such day then a proportion, of such rent according to the time such tenant for life lived, of the last year, or quarter of a year, or other time in which the said rent was growing due as aforesaid, making all just allowances or a proportionable part thereof respectively.

Rents recover-
able from un-
der-tenant,
where tenants
for life die be-
fore the rent
is payable.

*Extended by
24 W4 c22
to the death of
the lessor &
tenant per
ante in*

XVI. And whereas landlords are often great sufferers by tenants running away in arrear, and not only suffering the demised premises to lie uncultivated without any distress thereon, whereby their landlords or lessors might be satisfied for the rent-arrear, but also refusing to deliver up the possession of the demised premises, whereby the landlords are put to the expence and delay of recovering in ejectment; be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of June, one thousand seven hundred and thirty eight, if any tenant holding any lands, tenements, or hereditaments, at a rack-rent, or where the rent reserved shall be full three fourths of the yearly value of the demised premises, who shall be in arrear for one year's rent, shall desert the demised premises, and leave the same uncultivated or unoccupied, so as no sufficient distress can be had to countervail the arrears of rent; it shall and may be lawful to and for two or more justices of the peace of the county, riding, division, or place (having no interest in the demised premises) at the request of the lessor or landlord, lessors or landlords, or his, her, or their bailiff or receiver, to go upon and view the same, and to affix, or cause to be affixed, on the most notorious part of the premises notice in writing, what day (at the distance of fourteen days at least), they will return to take a second view thereof; and if upon such second view the tenant, or some person on his or her behalf, shall not appear, and pay the rent in arrear, or there shall not be sufficient distress upon the premises; then the said justices may put the landlord or landlords, lessor or lessors, into the possession of the said demised premises; and the lease thereof to such tenant,

Provision for
landlords,
where tenants
desert the pre-
misses.

stant, as to any demise therein contained only, shall from thenceforth become void.

Tenants may
appeal from
the justices.

XVII. Provided always, That such proceedings of the said justices shall be examinable in a summary way by the next justice or justices of assize of the respective counties, in which such lands or premises lie; and if they lie in the city of *London* or county of *Middlesex*, by the judges of the courts of *King's Bench* or *Common Pleas*; and if in the counties palatine of *Chester*, *Lancaster*, or *Durham*, then before the judges thereof; and if in *Wales*, then before the courts of grand-sessions respectively; who are hereby respectively impowered to order restitution to be made to such tenant, together with his or her expences and costs, to be paid by the lessor or landlord, lessors or landlords, if they shall see cause for the same; and in case they shall affirm the act of the said justices, to award costs not exceeding five pounds for the frivolous appeal.

Tenants hold-
ing premises
after the time
they notify for
quitting them,
to pay double
rent.

XVIII. And whereas great inconveniencies have happened, and may happen to landlords, whose tenants have power to determine their leases, by giving notice to quit the premises by them holden, and yet refusing to deliver up the possession, when the landlord hath agreed with another tenant for the same; be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, one thousand seven hundred and thirty eight, in case any tenant or tenants shall give notice of his, her, or their intention to quit the premises by him, her, or them holden, at a time mentioned in such notice, and shall not accordingly deliver up the possession thereof at the time in such notice contained; that then the said tenant or tenants, his, her or their executors or administrators, shall from thenceforward pay to the landlord or landlords, lessor or lessors, double the rent or sum, which he, she or they should otherwise have paid; to be levied, sued for, and recovered at the same times, and in the same manner, as the single rent or sum before the giving such notice could be levied, sued for, or recovered; and such double rent or sum shall continue to be paid, during all the time such tenant or tenants shall continue in possession as aforesaid.

4 B. 46. 936.

W. & M. c. 5.

XIX. And whereas it hath sometimes happened, that upon a distress made for rent justly due the directions of the statute made in the second year of the reign of *King William* and *Queen Mary*, intitled, An act for enabling the sale of goods distrained for rent, in case the rent be not paid within a reasonable time, have not been strictly pursued, but through the mistake or inadvertency of the landlord or other person intitled to such rent and distraining for the same, or of the bailiff or agent of such landlord or other person, some irregularity or tortious act hath been afterwards done in the disposition of the distress so seized or taken, as aforesaid; for which irregularity or tortious act the party distraining hath been deemed a trespasser ab initio, and in an action brought against him as such the plaintiff hath been intitled to recover, and has actually recovered, the full value of the rent, for which such distress was taken: and whereas it is a very great hardship upon landlords and other persons entitled to rents, that

a

a distress duly made should be thus in effect avoided for any subsequent irregularity; be it enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, in the year of our Lord one thousand seven hundred and thirty eight, where any distress shall be made for any kind of rent justly due, and any irregularity or unlawful act shall be afterwards done by the party or parties distraining, or by his, her or their agents; the distress itself shall not be therefore deemed to be unlawful, nor the party or parties making it be deemed a trespasser or trespassers *ab initio*; but the party or parties aggrieved by such unlawful act or irregularity shall or may recover full satisfaction for the special damage he, she or they shall have sustained thereby, and no more, in an action of trespass or on the case at the election of the plaintiff or plaintiffs: provided always, That where the plaintiff or plaintiffs shall recover in such action, he, she or they shall be paid his, her or their full costs of suit, and have all the like remedies for the same as in other cases of costs.

Distresses for rent not unlawful, &c. for any irregularity therein;

*Harry Lockhart
11th Nov 1740*

XX. Provided nevertheless, That no tenant or tenants, lessee or lessees, shall recover in any action for any such unlawful act or irregularity as aforesaid, if tender of amends hath been made by the party or parties distraining, his, her or their agent or agents, before such action brought.

nor tenants to recover by action, on tender of amends.

XXI. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, one thousand seven hundred and thirty eight, in all actions of trespass or upon the case to be brought against any person or persons intitled to rents or services of any kind, his, her or their bailiff or receiver, or other person or persons, relating to any entry by virtue of this act, or otherwise, upon the premises chargeable with such rents or services, or to any distress or seizure, sale or disposal of any goods or chattels thereupon; it shall and may be lawful to and for the defendant or defendants in such actions to plead the general issue, and give the special matter in evidence; any law or usage to the contrary notwithstanding; and in case the plaintiff or plaintiffs in such action shall become nonsuit, discontinue his, her or their action, or have judgment against him, her or them, the defendant or defendants shall recover double costs of suit.

In actions against persons intitled to rents, the defendants may plead the general issue, &c.

XXII. *And whereas great difficulties often arise in making avowries or conuizance upon distresses for rent, quit-rents, reliefs, heriots, and other services*; be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, one thousand seven hundred and thirty eight, it shall and may be lawful to and for all defendants in replevin to avow or make conuizance generally, that the plaintiff in replevin, or other tenant of the lands and tenements whereon such distress was made, enjoyed the same under a grant or demise at such a certain rent, during the time wherein the rent distrained for incurred, which rent was then and still remains due; or that the place where the distress was taken was parcel of such certain tenements, held of such honor, lordship or manor, for which tenements the

Defendants in replevin to avow, &c. that the plaintiff held the premises at a certain rent, &c.

may avow generally, but must avow truly.

rent,

10th Nov 1740

rent, relief, heriot or other service distrained for, was at the time of such distress and still remains due; without further setting forth the grant, tenure, demise or title of such landlord or landlords, lessor or lessors, owner or owners of such manor; any law or usage to the contrary notwithstanding: and if the plaintiff or plaintiffs in such action shall become nonsuit, discontinue his, her or their action, or have judgment given against him, her or them, the defendant or defendants in such replevin shall recover double costs of suit.

To prevent
vexatious re-
plevins.

XXIII. And to prevent vexatious replevins of distresses taken for rent, be it enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, one thousand seven hundred and thirty eight, all sheriffs, and other officers having authority to grant replevins, may and shall in every replevin of a distress for rent, take in their own names, from the plaintiff, and two responsible persons as sureties, a bond in double the value of the goods distrained (such value to be ascertained by the oath of one or more credible witness or witnesses not interested in the goods or distress, which oath the person granting such replevin is hereby authorized and required to administer) and conditioned for prosecuting the suit with effect and without delay, and for duly returning the goods and chattels distrained in case a return shall be awarded; before any deliverance be made of the distress; and that such sheriff, or other officer as aforesaid, taking any such bond, shall at the request and costs of the avowant or person making conuizance assign such bond to the avowant or person aforesaid, by indorsing the same, and attesting it under his hand and seal in the presence of two or more credible witnesses; which may be done without any stamp, provided the assignment so indorsed be duly stamped before any action brought thereupon; and if the bond so taken and assigned be forfeited, the avowant, or person making conuizance, may bring an action and recover thereupon in his own name; and the court where such action shall be brought may by a rule of the same court give such relief to the parties upon such bond, as may be agreeable to justice and reason; and such rule shall have the nature and effect of a defeazance to such bond.

*does not require an affidavit
See 43 Eliz. c. 2.*

*Suits Brought: 464.
1 Feb. 1735.
In a reference to the
replevin bonds may be
taken as assigned, &c.
without the assignment of
sureties. Not discharged.*

CAP. XX.

An act for the more effectual securing the payments of certain sums of money directed by an act made in the forty third year of the reign of Queen Elizabeth, intituled, An act for relief of the poor, to be paid by the respective treasurers of every county in England and Wales, for the relief of the poor prisoners of the King's Bench and Marshalsea prisons.

Preamble, re-
citing the act
43 Eliz. c. 2.

WHEREAS by an act made in the forty third year of the reign of her late majesty Queen Elizabeth, intituled, An act for relief of the poor, a provision is made for raising, collecting, and pay-

paying the several sums of money therein mentioned, for and towards the relief of the poor prisoners of the King's Bench and Marshalsea prisons; the good intent of which act hath not been answered for want of a proper method to enforce the payment of the said money by the treasurers of the several counties, who are directed by the said statute to pay the same; for remedy thereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of June, which shall be in the year of our Lord one thousand seven hundred and thirty eight, every treasurer of every county within *England* and *Wales* shall on or before the first day of *Trinity Term* yearly and every year pay over to the lord chief justice of *England*, and knight marshal for the time being, or to such person or persons as they shall respectively appoint, taking their acquittances for the same, or in default of the said chief justice to the next most ancient justice of the *King's Bench*, the several and respective sums of money which shall be then due from every such respective county, equally to be divided between the prisoners of the *King's Bench* and *Marshalsea* prisons for the charitable purposes in the said act in that behalf mentioned.

Treasurers of counties to pay the monies to the lord chief justice, &c.

II. And be it further enacted by the authority aforesaid, That if any such treasurer shall neglect or refuse to pay over such respective sums of money, or any part thereof, in manner aforesaid, that then upon the report of the said chief justice, or of the said next most ancient justice of the said court of *King's Bench*, being made, or upon the certificate of the said knight marshal, or the certificate or certificates on oath of such person or persons as they shall appoint to receive the same, being delivered to the said court, of such neglect or refusal, it shall and may be lawful for the said court of *King's Bench* to make a rule on every such treasurer so neglecting or refusing as aforesaid, requiring such treasurer to pay the money so reported or certified to be due as aforesaid; and obedience to such rule shall and may be enforced by the said court in such manner and by such ways and means as rules of the said court of *King's Bench* are usually enforced.

or on refusal, to be compelled by rule of king's bench.

III. And that the said treasurers may be the better amenable to the said court of *King's Bench*; be it further enacted by the authority aforesaid, That every person who now is or hereafter shall be elected or appointed treasurer of any county in *England* or *Wales*, shall, within thirty days after the twenty ninth day of September, one thousand seven hundred and thirty eight, or within thirty days after his election or appointment respectively into such office of treasurer, transmit his name and place of abode to the clerk of the crown in his Majesty's said court of *King's Bench*, to be by him entred or registred in a book to be kept for that purpose; for which entry no fee or reward shall be taken: and in case any such treasurer shall neglect or refuse to transmit his name and place of abode as aforesaid; that then, upon the

Treasurers to give in their names, &c. to the clerk of the crown;

report of the said clerk of the crown made to the said court of such neglect or refusal, every such treasurer shall be liable to be proceeded against in the same manner as in the case of neglecting or refusing to pay such money as aforesaid.

and to stand
to the charge
of rules of the
said court.

IV. And be it further enacted by the authority aforesaid, That from time to time, and as often as there shall be occasion for the said court of *King's Bench* to make any rule as aforesaid on any of the said treasurers in pursuance of this act, the whole cost and charge of making such rule, and all subsequent charges arising therefrom, shall be paid by the treasurer whose default or neglect shall cause the making of such rule.

CAP. XXI.

An act to empower the present trustees under the last will and testament of John Marshall gentleman, deceased, to lay out a certain sum of money, now in their hands, for pulling down and rebuilding the parish church of Christ Church in the county of Surrey, and for inclosing a piece of ground lately purchased for an additional church yard to the said church.

CAP. XXII.

An act for punishing such persons as shall do injuries and violences to the persons or properties of his Majesty's subjects with intent to hinder the exportation of corn.

Preamble.

WHEREAS many disorderly and evil-minded persons have of late frequently assembled themselves in great numbers, committed great violences, and done many injuries to the persons and properties of his Majesty's subjects, with intent to hinder the exportation of corn, whereby many of his Majesty's subjects have been deterred from buying of corn and grain, and following their lawful business therein, to their great loss and damage, as well as the great damage and prejudice of the farmers and landholders of this kingdom, and of the nation in general; for the better preventing such wicked and disorderly practices, and more easily and effectually bringing such offenders to condign punishment, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if any person or persons shall from and after the four and twentieth day of *June*, one thousand seven hundred and thirty eight, wilfully and maliciously beat, wound, or use any other violence to or upon any person or persons, with intent to deter or hinder him or them from buying of corn or grain in any market or other place within this kingdom; or shall unlawfully stop or seize upon any waggon, cart or other carriage, or horse, loaded with wheat, flour, meal, malt or other grain, in or on the way to or from any city, market town, or sea port of this kingdom, and wilfully and maliciously break, cut, separate, or destroy the same, or any part thereof, or the harness of the horses drawing the same; or shall unlawfully take off, drive away, kill or wound any of such horses, or unlawfully beat or wound the driver or drivers of such waggon, cart or other carriage, or horse, so loaded, in order to stop the same; or shall, by cutting of the sacks,

Persons using
violence to
hinder the
purchase or
carriage of
corn,

or

or otherwise, scatter or throw abroad such wheat, flour, meal, malt, or other grain, or shall take or carry away, spoil or damage the same, or any part thereof; every and all such person and persons being thereof lawfully convicted before any two or more justices of the peace of the county, shire, stewartry, riding, division, town or place corporate, wherein such offence or offences shall be committed, or before the justices of the peace in open sessions (who are hereby authorized and impowered summarily and finally to hear and determine the same) shall be sent to the common gaol, or to the house of correction, there to continue and be kept to hard labour for any time not exceeding the space of three months, nor less than one month; and shall by the same justices be also ordered to be once publicly and openly whipped by the master or keeper of such gaol or house of correction, in such city, market town, or sea port, in or near to which such offence shall be committed, on the first convenient market day, at the market cross or market place there, between the hours of eleven and two of the clock.

to be imprisoned,

and publicly whipped.

II. And be it further enacted by the authority aforesaid, That if any such person or persons so convicted shall commit any of the offences aforesaid a second time; or if from and after the said four and twentieth day of *June*, one thousand seven hundred and thirty eight, any person or persons shall wilfully and maliciously pull, throw down, or otherwise destroy any storehouse or granary, or other place where corn shall be then kept in order to be exported; or shall unlawfully enter any such storehouse, granary, or other place, and take and carry away any corn, flour, meal, or grain therefrom, or shall throw abroad or spoil the same, or any part thereof; or shall unlawfully enter on board any ship, barge, boat or vessel, and shall wilfully and maliciously take and carry away, cast, or throw out therefrom, or otherwise spoil or damage, any meal, flour, wheat or grain therein intended for exportation; every person so offending, and being thereof lawfully convicted, shall be adjudged guilty of felony, and shall be transported for the space of seven years, in like manner as other felons are directed to be transported by the laws and statutes of this realm; and if any such offender so transported shall return into this kingdom before the expiration of the said seven years, he or she shall suffer death as a felon without benefit of clergy.

Committing the like offences a second time,

destroying granaries or the corn therein,

or in vessels, &c.

Felony.

III. Provided always, That no attainer for any offence made felony by virtue of this act shall make or work any corruption of blood, loss of dower, or disinheritation of heir or heirs.

IV. Provided also, That no person who shall be punished for any offence by virtue of this act, shall be punished for the same offence by virtue of any other law or statute whatsoever.

V. And be it further enacted by the authority aforesaid, That from and after the four and twentieth day of *June*, one thousand seven hundred and thirty eight, the inhabitants of every hundred in that part of *Great Britain* called *England*, wherein any such offence as aforesaid shall be committed, shall make

Satisfaction for such damages recoverable from the hundred,

(not exceeding 100l.)

as in cases of robbery.

But notice is to be given within 2 days after the fact to a constable:

and examination upon oath within 10 days.

If any one of the offenders be convicted within 12 months, the hundred released.

full satisfaction and amends to all and every the person and persons, their executors and administrators, for the damages they shall have sustained or suffered by any injury or violence done to their properties by any offender or offenders against this act; and that every person and persons, who shall sustain damages in their properties by any of the said offences, shall and are hereby enabled to sue for and recover such his or their damages (the sum to be recovered not exceeding one hundred pounds) against the said hundred, who by this act shall be made liable to answer all or any part thereof; such damages to be sued for, levied, and raised, in such manner and form, and by and under the like methods and directions, as are prescribed and mentioned in cases of actions for robberies on the highway, in and by an act made in the seven and twentieth year of the reign of Queen *Elizabeth*, intituled, *An act for the following Hue and Cry*, and by one other act made in the eighth year of the reign of his present Majesty, intituled, *An act for the amendment of the laws relating to the actions on the statute of Hue and Cry*, except so much thereof as relates to giving, leaving, or publishing notice, or making fresh suit and hue and cry, or any other matter otherwise provided for by this act.

VI. Provided nevertheless, and be it further enacted by the authority aforesaid, That no person or persons shall be enabled to recover any damages by virtue of this act, unless he or they by themselves or by their servants within two days after such damage or injury done him or them by any such offender or offenders as aforesaid, shall give notice of such offence done and committed to one of the constables of the hundred, or to the constable, borsholder, headborough, or tythingman of the town, parish, village, hamlet, or tything, in or near which such fact shall be committed; and shall, within ten days after such notice give in his or their examinations upon oath, or the examination upon oath of his or their servants being present at the time of the fact being committed, or having the care of such his or their properties, to which such damage or injury shall be done, before any justice of the peace of the county, liberty, or division, where such fact shall be committed, whether he or they do know the person or persons that committed such fact, or any of them; and if upon such examination it be confessed, that he or they do know the person or persons that committed the said fact, or any of them; that then he or they so confessing shall be bound by recognizance to prosecute such offender or offenders according to this act, or otherwise according to the laws of the realm.

VII. Provided also, and be it enacted by the authority aforesaid, That where any offence shall be committed against this act, and any one of the said offenders shall be apprehended and lawfully convicted of such offence within the space of twelve months after the offence committed; no hundred or franchise therein shall in any wise be subject or liable to make any satisfaction to the party or parties injured for the damages he or they shall have

have sustained; any thing in this act contained to the contrary notwithstanding.

VIII. Provided also, That no person who shall sustain any damage by reason of any offence to be committed by any offender contrary to this act, shall be enabled hereby to sue or bring any action against any hundred where such offence shall be committed, till after the expiration of one year; nor unless the party or parties sustaining such damage, shall commence his, her, or their action or suit within two years next after the offence shall be committed.

Actions not to be brought against hundreds under 1, or after 2 years.

CAP. XXIII.

An act to explain and amend an act passed in the eighth year of his present Majesty's reign, intituled, An act for rebuilding the parish church of Saint Leonard Shoreditch in the county of Middlesex.

WHEREAS by an act of parliament made and passed in the eighth year of the reign of his present Majesty, intituled, An act for rebuilding the parish church of Saint Leonard Shoreditch in the county of Middlesex, it is amongst other things enacted, That the several funeral rates and duties mentioned and specified in a certain indenture, bearing date the eighth day of April, in the year of our Lord one thousand seven hundred and thirty five, made between the vicar of the said parish of the one part, and the churchwardens and overseers of the poor of the said parish of the other part, then intended to be inrolled in the high court of chancery, should be collected, levied, and paid in the said parish, and be vested in the trustees by the said act appointed, to and for the several uses and purposes therein expressed; which indenture hath been since inrolled: and whereas the said recited act has been or may be construed to extend to the funeral rates, fees, or duties claimed by the vicar, clerk, and sexton of the said parish, such fees, rates, or duties so claimed by them being inserted in such indenture, which it was not their intention should be applied to the purposes of that act; may it please your most excellent Majesty, that it may be enacted, &c.

The act 8 Geo. 2. c. 27. not to affect the vicar, clerk, or sexton's fees, &c.

CAP. XXIV.

An act to amend an act passed in the twelfth and thirteenth year of the reign of King William the Third, intituled, An act for preventing any inconveniencies that may happen by privilege of parliament.

WHEREAS for the preventing all delays the King or his subjects may receive in any of his courts of law or equity, and for their ease in the recovery of their rights and titles to any lands, tenements, or hereditaments, and their debts, or other dues, for which they have cause of suit or action, an act was made in the twelfth and thirteenth year of the reign of King William the Third, intituled,

Preamble, reciting the act 12 & 13 W. 3. c. 3.

An act for preventing any inconveniencies that may happen by privilege of parliament; *whereby nevertheless the privilege of parliaments is restrained only in actions or suits commenced or prosecuted in the courts, and for the causes, therein particularly mentioned: and whereas great inconveniencies may happen to his Majesty, and his subjects, with respect to their rights and titles to lands, tenements, or hereditaments, and their debts, or other dues, for which they have cause of suit or action, if the privilege of parliament be not restrained upon actions or suits commenced or prosecuted in other courts within Great Britain and Ireland; for remedy thereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of June, one thousand seven hundred and thirty eight, any person and persons shall and may commence and prosecute in Great Britain or Ireland any action or suit in any court of record, or court of equity, or of admiralty, and in all causes matrimonial and testamentary in any court having cognizance of causes matrimonial and testamentary, against any peer or lord of parliament of Great Britain, or against any of the knights, citizens, and burgesses of the house of commons of Great Britain for the time being, or against their or any of their menial or other servants, or any other person intitled to the privilege of the parliament of Great Britain, at any time from and immediately after the dissolution or prorogation of any parliament, until a new parliament shall meet, or the same be re-assembled, and from and immediately after any adjournment of both houses of parliament for above the space of fourteen days, until both houses shall meet or re-assemble; and that the said respective courts shall and may after such dissolution, prorogation, or adjournment, as aforesaid, proceed to give judgment, and to make final orders, decrees, and sentences, and award execution thereupon; any privilege of parliament to the contrary notwithstanding.*

Persons may prosecute actions against members of parliament, in the intervals of session.

Members not liable to be arrested during privilege.

The courts of great sessions in Wales, and sessions in counties palatine to proceed against members, as the courts at Westminster.

II. Provided nevertheless, That this act shall not extend to subject the person of any of the knights, citizens, and burgesses of the house of commons of Great Britain, or any other person intitled to privilege of parliament, to be arrested during the time of privilege; nevertheless it shall and may be lawful to and for any of the courts of great sessions in Wales, courts of session in the counties palatine of Chester, Lancaster, and Durham, courts of king's bench, common pleas, and exchequer in Ireland, after any dissolution, prorogation, or such adjournment as aforesaid, or before any session of parliament, or meeting of both houses, as aforesaid, to have and use such and the like methods of proceeding, and to issue such and the like process against any such peer or lord of parliament, or against any of the said knights, citizens, and burgesses, or other persons intitled to the privilege of the parliament of Great Britain, as the courts of king's bench, and exchequer in England, are by the said recited act impowered and directed to use and issue respectively; and that it shall and may

may be lawful to and for the court of *chancery* of *Ireland*, and the court of equity in the exchequer there, to have and use such and the like methods of proceeding, and to issue such and the like process within the times and against the persons aforesaid, as the high court of *chancery* of *Great Britain*, and the court of *exchequer* in *England*, are by the said recited act respectively directed and impowered to use and issue; and that it shall and may be lawful to and for any of the other courts herein before described, the process whereof is not particularly directed by the said recited act, or by this act, after any dissolution, prorogation, or such adjournment as aforesaid, or before any session of parliament, or meeting of both houses as aforesaid, to issue such and the like process against any such peer or lord of parliament, or against any of the said knights, citizens, or burghesses, or other person intitled to the privilege of parliament, as such courts may now lawfully issue against persons not liable to be arrested or imprisoned.

III. And be it enacted by the authority aforesaid, That where any plaintiff shall by reason or occasion of privilege of parliament be stayed or prevented from prosecuting any suit by him commenced; such plaintiff shall not be barred by any statute of limitation, or nonsuited, dismissed, nor his suit discontinued for want of prosecution of the suit by him begun; but shall from time to time upon the rising of the parliament be at liberty to proceed to judgment and execution. Plaintiffs not barred or nonsuited,

IV. And it is hereby enacted, That no action, suit, process, order, judgment, decree, or proceeding in law or equity against the King's original and immediate debtor, for the recovery or obtaining of any debt or duty originally and immediately due or payable unto his Majesty, his heirs or successors, or against any accountant, or person answerable or liable to render any account unto his Majesty, his heirs or successors, for any part or branch of any of his or their revenues, or other original and immediate debt or duty, or the execution of any such process, order, judgment, decree, or proceedings, shall be impeached, stayed, or delayed in any court in *Great Britain* or *Ireland*, by or under the colour or pretence of any privilege of the parliament of *Great Britain*; yet so nevertheless, that the person of any such debtor or accountant, or person answerable or liable to account, being a peer or lord of parliament of *Great Britain*, shall not be liable to be arrested or imprisoned by or upon any such suit, order, judgment, decree, process, or proceedings; or being a member of the house of commons of *Great Britain*, shall not, during the continuance of the privilege of parliament, be arrested or imprisoned by or upon any such order, judgment, decree, process, or proceedings. nor process against the King's debtor to be stayed, by privilege of parliament; but the persons not to be arrested.

V. Provided nevertheless, That neither this act, nor any thing therein contained, shall extend to give any jurisdiction, power, or authority to any court, to hold plea in any real or mixt action, in any other manner than such court might have done before the making this act. Provido.

CAP. XXV.

An act for building a bridge cross the river Thames from the Woolstaple, or thereabouts, in the parish of Saint Margaret in the city of Westminster, to the opposite shore in the county of Surrey. EXP.

Preamble, re-
citing the act
10 Geo. 2. c. 16.

WHEREAS by an act of parliament made and passed in the tenth year of the reign of his present Majesty, intituled, *An act for explaining and amending an act passed in the ninth year of the reign of his present Majesty, intituled, An act for building a bridge cross the river of Thames, from the New Palace-Yard in the city of Westminster, to the opposite shore in the county of Surrey; it was enacted, That it should and might be lawful to and for the commissioners thereby appointed and continued, and the survivors, or any nine or more of them, to direct or cause to be built the bridge intended to be provided for by the said act, cross the river Thames, either from the New Palace-Yard aforesaid, or from the Horlefferry, or thereabouts, in the parish of Saint John the Evangelist in the said city of Westminster, to the opposite shore in the county of Surrey: and whereas since the passing the said recited act, several doubts and difficulties have arisen about fixing the place where the said intended bridge should be built; now for preventing any farther doubts and difficulties concerning the same, and that the said intended bridge may be erected and built where the same may be most advantageous to the trade of the city and liberty of Westminster, and most commodious to the inhabitants thereof; may it please your most excellent Majesty that it may be enacted, &c.*

The bridge to be built from the Woolstaple, of what materials the commissioners shall think fit. Residue of the monies to be lent out upon any publick security. Grounds purchased by the commissioners more than necessary, to be disposed of to the best advantage; and the monies to be employed about the bridge. Commissioners to account yearly.

CAP. XXVI.

An act for enforcing the execution of an act made in the ninth year of his present Majesty's reign, intituled, An act for laying a duty upon the retailers of spirituous liquors, and for licensing the retailers thereof.

Preamble re-
citing the act
9 Geo. 2. c. 23.

WHEREAS notwithstanding the several provisions made for restraining the frequent and pernicious use of spirituous liquors or strong waters, by an act made in the ninth year of his present Majesty's reign, intituled, *An act for laying a duty on retailers of spirituous liquors, and for licensing the retailers thereof; and also by an act made in the tenth year of his said Majesty's reign, for explaining and enforcing the execution of the said first mentioned act; the drinking of spirituous liquors is yet too common, especially among persons of low rank: and whereas such persons as sell or expose to sale any spirituous liquors or strong waters, unmixed, or mixed with themselves, or any other ingredients, contrary to the said act, for*
laying

laying a duty upon the retailers of spirituous liquors, and for licensing the retailers thereof, are chiefly persons of little or no substance : and whereas, in order to elude the said first mentioned act, by preventing the discovery of the offenders against the same, and thereby evading the penalty to be inflicted on such offenders, several persons in a clandestine manner retale such spirituous liquors or some of them without any licence, or in some place or places not in the said act mentioned or allowed, and the person or persons so selling the same are not seen, but are hid behind some wainscot, curtain, partition, or are otherwise concealed : for remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of June, in the year one thousand seven hundred and thirty eight, if any less quantity or quantities than two gallons of spirituous liquors, or strong waters, mixed or unmixed, as aforesaid, shall be sold, uttered, or delivered, contrary to the true intent and meaning of the said first mentioned act, in any private and clandestine manner as aforesaid, to any person or persons, in any house, out-house, stable, barn, or shed, or in any other place or part of or belonging or appertaining to any house or farm ; then and in such case the occupier of such house, farm, or part of any house, or farm, or other place, where such spirituous liquors shall be sold, if but one occupier only, and if more than one then the several occupiers thereof, being privy or consenting thereto, shall be, and he, she, or they are hereby declared to be deemed the retailer or retailers of such spirituous liquors, and as such he, she, or they shall forfeit and lose the sum of one hundred pounds for every such offence ; such penalty to be recovered and applied in such manner as the one hundred pounds penalty for each offence inflicted on any person or persons who shall presume to offer to sell or retale any of the said spirituous liquors in a less quantity than by the said act is directed, without taking out a licence and renewing the same yearly, as by the said act is directed to be recovered and applied.

Occupiers of houses, &c. wherein spirituous liquors are sold contrary to the act of 9 Geo. 2. to be deemed retailers.

II. And whereas in open defiance of the laws of this realm, and to prevent the before mentioned acts from taking effect, and to deter persons from assisting in putting the said laws in execution, divers wicked, lawless, turbulent, and disorderly persons have assembled themselves at divers times to rescue offenders against the said laws, and to insult and abuse those who have been concerned in bringing them to justice, and have in a most wicked and cruel manner assaulted, beat, wounded, and almost murdered several officers and other persons, who in pursuance of the said first recited act either had given or were about to give informations before his Majesty's justices of the peace against such offenders ; be it enacted by the authority aforesaid, That if any persons to the number of five or more shall from and after the said twenty fourth day of June, in the year of our Lord one thousand seven hundred and thirty eight, in a tumultuous and riotous manner, assemble themselves to rescue any offender or of-

Rescuing of offenders against the said act, or assaulting informers, felony.

fenders

senders against the said first mentioned act, or to assault, beat, or wound any person or persons who shall have given, or be about to give, any information or evidence against, or shall have discovered or given evidence against, or be about to discover or give evidence against, seize or bring to justice, any person or persons offending against the said first mentioned act; that then all and every person or persons so assembling themselves, and their aiders and abettors, being thereof lawfully convicted, shall be, and be adjudged to be, guilty of felony; and every such felon and felons shall be subject and liable to the like pains and penalties as in cases of felons; and the courts by and before whom he, she, or they shall be convicted, shall have full power and authority of transporting such felon and felons for the space of seven years to any of his Majesty's colonies or plantations in America, upon the like terms and conditions as are given, directed, and enacted by an act made in the fourth year of the reign of his late majesty King George the first, intituled, *An act for the further preventing robbery, burglary, and other felonies, and for the more effectual transportation of felons, and unlawful exportation of wooll*; and by an act made in the sixth year of the reign of his said late majesty King George the First, intituled, *An act for the further preventing robbery, burglary, and other felonies, and for the more effectual transportation of felons*.

4 Geo. 1. c. 11.

6 Geo. 1. c. 23.

III. And be it further enacted by the authority aforesaid, That if any action or suit shall be brought and prosecuted by any person or persons in any inferior or other court than in his Majesty's courts of record at *Westminster*, or the court of great sessions in *Wales*, or the courts of session in counties palatine, against any justice of the peace, or other person or persons employed in the execution of this act, or of the said acts made in the ninth and in the tenth years of his present Majesty's reign, or either of them, for any matter, cause, or thing by him or them done, committed, or executed by virtue or reason of this act, or of the said acts, or any or either of them, or of any clause or article therein contained; it shall and may be lawful to and for the defendant or defendants in such action or suit, upon his, her, or their making affidavit, that he, she, or they intend to insist in his, her, or their defence to such action or suit upon this act, or the said acts, or one of them, to remove such action or suit into any of his Majesty's courts of record at *Westminster*; so that the writ or writs for removing the same, be delivered to the steward, judge, or proper officer of the said inferior or other court, before issue joined in the said action or suit; and such defendant or defendants may plead the general issue, and give this act, and the said acts, or any of them, and the special matter in evidence at the trial, and that the same was done in pursuance and by the authority of this act, or of the said acts, or any or either of them; and if it shall appear so to have been done, then the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his or her action, after the defendant shall have appeared,

ACTIONS
brought in any
inferior court
for any thing
done in pur-
suance of this
act, &c. re-
movable to
courts at
Westminster.

Defendant
may plead the
general issue,
&c.

or

or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant and defendants shall and may recover treble costs, and have the like remedy for the same, as defendants have in other cases at law.

IV. And whereas some doubts have arisen, whether a justice or justices of the peace, on any information exhibited to him or them of or for any offence or offences against the said first-mentioned act, may grant his or their warrant or warrants for apprehending and bringing before him or them the person or persons, against whom such information is made, unless and until such person or persons hath or have been duly summoned to appear before such justice or justices; and it is found by experience, that the summoning such offenders against the said first mentioned act is attended with great inconveniencies, by giving them an opportunity to abscond from justice; such offenders being generally persons of little or no substance, and often having no settled habitation; be it therefore declared and enacted by the authority Justices may without summons issue their warrants for offenders. That it is and shall be lawful for one or more justice or justices of the peace, on any information upon oath made before him or them against any person or persons for hawking, selling, or exposing to sale any spirituous liquors or strong waters contrary to the said first mentioned act, to issue his or their warrant or warrants under his or their respective hands and seals, to be directed to any constable, or other ministerial officer of the peace, for the apprehending and bringing such offender or offenders, before some justice or justices of the peace for the county or place wherein such offence or offences was or were committed, in order to such offender or offenders being by such justice or justices dealt with according to law.

V. And whereas in and by a clause in the said first mentioned act it is enacted, That from and after the said twenty ninth day of September, one thousand seven hundred and thirty six, no person or persons shall hawk, sell, or expose to sale any brandy, spirituous liquors, or strong waters, by whatsoever name or names they are or may be called or distinguished, about the streets, highways, or fields, in any wheel-barrow or basket, or upon the water in any ship, boat, or vessel, or in any other manner whatsoever, or shall sell or expose the same to sale on any bulk or bulks, stall or stalls, or in any shed or sheds, or on or in any other place or places, other than in such place and places as are in the said act before-mentioned and allowed, upon pain of forfeiting for every such offence the sum of ten pounds; and it shall and may be lawful to and for any one or more justice or justices of the peace for the county, riding, division, city, or liberty respectively, wherein such offence shall be committed, on his or their own view, or on confession of the party, or by proof on the oath of one or more credible witness or witnesses made of such offence, to convict any person or persons so offending, as aforesaid; and such person and persons, so offending and convicted, shall immediately on such conviction pay the sum of ten pounds into the hands of the churchwardens and overseers of the poor of the parish where such offence shall be committed, or one of them; and on such offender or offenders refusing or neglecting to pay the said sum, the justice or justices so convicting

viſiting as aforeſaid ſhall and may by warrant or warrants under his and their hand and ſeal, or hands and ſeals, commit the offender or offenders to the houſe of correction for the ſaid county, city, or liberty reſpectively, there to remain and be kept to hard labour for the ſpace of two months, to be reckoned from the day of the ſaid commitment; and the perſon or perſons ſo committed ſhall not be diſcharged, until he, ſhe, or they ſhall have paid the ſum of ten pounds, or until the full expiration of the ſaid two months; and every ſum or ſums of money ariſing from the conviction of any perſon or perſons as aforeſaid (in caſe there be no informer) ſhall be employed to the uſe of the poor of the pariſh wherein the offence was committed; but if there ſhall be an informer, one moiety of ſuch money ſhall be paid to the informer, and the other moiety ſhall be paid to the overſeers and churchwardens as aforeſaid, or one of them, and applied to the uſe of the poor of the pariſh as aforeſaid: and whereas in and by a claule of the before-mentioned act of parliament made in the tenth year of his ſaid Maſteſty's reign, reciting the ſaid laſt recited claule of the ſaid act made in the ninth year of his ſaid Maſteſty's reign; and alſo reciting that ſuch perſons as are willing and deſirous of putting the ſaid ſalutary law in execution have not the encouragement which is due to them and which they juſtly deſerve, where the perſons incurring the pecuniary penalties of the ſaid act are not able to pay the ſame, but in lieu thereof are ſent to the houſe of correction as by the ſaid act is directed; for remedy whereof, it is enacted, That from and after the twenty fourth day of June, one thouſand ſeven hundred and thirty ſeven, in all ſuch caſes as aforeſaid, it ſhall and may be lawful for the commiſſioners of exciſe in England and Scotland, reſpectively, to cauſe ſuch rewards as aforeſaid to be paid to the ſeveral and reſpective perſons, who ſhall appear to them to be intitled thereto as aforeſaid, out of any money that ſhall be in their hands, or any officer belonging to them, that hath ariſen, or ſhall ariſe, by virtue of any penalties or forfeitures incurred by the ſaid act as aforeſaid; and the money ſo paid ſhall be accepted of and allowed in their accounts as ſo much money paid to his Maſteſty, and the commiſſioners are thereby diſcharged thereof accordingly; and every offender convicted as aforeſaid, and upon his or her reſuſal or neglect to pay the ſame penalty of ten pounds, committed to the houſe of correction as aforeſaid, ſhall before his or her diſcharge be ſtript naked from the middle upwards, and be whipt until his or her body be bloody: and whereas for want of a conſtable, or other miniſterial officer of the peace being at hand to apprehend ſuch offender or offenders, he, ſhe, or they do often eſcape unpunished; be it further enacted by the authority aforeſaid, That from and after the ſaid twenty fourth day of June, one thouſand ſeven hundred and thirty eight, it ſhall and may be lawful for any perſon or perſons whatſoever, to ſeize and detain any perſon or perſons, who ſhall hawk, ſell, or expoſe to ſale any brandy, ſpirituſous liquors, or ſtrong waters, by whatſoever name or names they are or may be called or diſtinguiſhed, about the ſtreets, highways, or fields in any wheel-barrow, or baſket, or upon the water in any ſhip, boat, or veſſel, or in any other manner whatſoever, or ſhall ſell or expoſe the ſame to ſale, on any bulk or bulks, ſtall or ſtalls, or

Any perſon
may ſeize
hawkers of
ſpirituſous li-
quors, and give
notice to a
conſtable.

in any shed or sheds, or on or in any other place or places, other than in such place or places as are in the said first mentioned act allowed in that behalf, for such reasonable time as he, she, or they may give notice to the constable, headborough, tythingman, churchwarden, overseer of the poor, or some other peace or parish officer or officers, who are hereby required to carry such person so seized and detained before some one of his Majesty's justices of the peace for the county or place where such offence or offences shall be committed; which said justice of the peace is hereby required to proceed to the examination of such person so seized and brought before him for such offence, in the same manner as if such person so seized had been brought before him by a constable, or any other ministerial officer of the peace; and such person so seized shall, if convicted of such offence, be liable to the like penalties, and the like corporal punishments, on his or her refusal or neglect to pay the same, as are in and by the said acts made in the ninth and tenth years of his present Majesty's reign, or either of them, for such offence, to be paid or inflicted respectively.

VI. And be it enacted by the authority aforesaid, That all such sum and sums of money, as shall and may from time to time be paid by any person or persons convicted of hawking, selling, or exposing to sale, any brandy, spirituous liquors, or strong waters, as aforesaid, to the churchwardens or overseers of the poor of any parish or place where the offence shall be committed, shall be applied and accounted for by the said churchwardens and overseers, in the same manner as other monies raised and received on the rates made for the relief of the poor are directed and appointed to be applied and accounted for.

VII. And whereas constables or other ministerial officers of the peace have refused or neglected to be aiding or assisting, in the execution of the before-mentioned acts made in the ninth and tenth years of his present Majesty's reign, although thereunto required; be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of June, one thousand seven hundred and thirty eight, if any constable or other ministerial officer of the peace whatsoever, shall refuse or neglect, upon due notice or request, or on their own view, to be aiding and assisting in the execution of this act, or of the before mentioned acts made in the ninth and tenth years of his Majesty's reign, or any or either of them; such constable or other ministerial officer of the peace, being thereof convicted by the oath of one or more credible witnesses or witnesses before any justice of the peace for the county or place where such offence shall be committed, shall forfeit for every such offence the sum of twenty pounds, to be levied by distress and sale of the offenders goods, by warrant under the hand and seal of such justice of the peace; the one moiety to go to the poor of the parish where such offence shall be committed, and the other moiety to the informer, who shall prosecute for the same, rendering the overplus thereof to the owner, if any there be.

Forfeitures
how to be ap-
plied.

Penalty on
constables
neglect of
duty.

VIII. And

Distillers not
to act as jus-
tices in mat-
ters concern-
ing this act.

VIII. And be it enacted by the authority aforesaid, That from and after the said twenty fourth day of June, one thousand seven hundred and thirty eight, no distiller or other seller of spirituous liquors or strong waters whatsoever shall, during such time as he shall be a distiller or seller of such liquors be capable or have any power to act, or shall be directly or indirectly concerned in acting, as a justice of the peace in any matter or thing whatsoever, which shall any ways concern the execution of this present act, or of the before mentioned acts made in the ninth and tenth years of his present Majesty's reign, or either of them.

Fines how to
be recovered
&c.

IX. And be it further enacted by the authority aforesaid, That all fines, penalties and forfeitures by this act imposed; shall and may be sued for, recovered, levied and mitigated, by such ways, means and methods, as any fine, penalty or forfeiture is or may be in like cases sued for, levied, recovered, and mitigated by any law or laws of excise, or by action of debt, bill, plaint or information in any of his Majesty's courts of record at Westminster, or in the court of Exchequer in Scotland; and that one moiety of the said fines and forfeitures, and which are not herein before directed to be otherwise distributed, shall go and be paid to the use of his Majesty, his heirs and successors, and the other moiety thereof to the person or persons who shall inform or sue for the same.

C A P. XXVII.

An act for granting to his Majesty the sum of two millions for the service of the year one thousand seven hundred and thirty eight; and for paying the governor and company of the bank of England, one million, for redeeming an annuity of forty thousand pounds payable to them; and for the further appropriating the supplies granted in this session of parliament.

Most gracious Sovereign.

Preamble, re-
citing the act
3 Geo. 1. c. 8.

WHEREAS by an act of parliament made in the third year of the reign of his late majesty King George the First, intituled, An act for redeeming several funds of the governor and company of the bank of England, pursuant to former provisos of redemption; and for securing to them several new funds and allowances redeemable by parliament; and for obliging them to advance further sums, not exceeding two millions five hundred thousand pounds, at five pounds *per centum*, as shall be found necessary, to be employed in lessening the national debts and incumbrances; and for continuing certain provisions made for the expence of his Majesty's civil government; and for payment of annuities formerly purchased at the rate of five pounds *per centum*; and for other purposes in this act mentioned; the said governor and company of the bank of England became intituled to

one annuity or yearly sum of one hundred thousand pounds, for or in respect of the sum of two millions, being the amount of certain exchequer bills, which according to the directions of the same act were delivered up by the said governor and company to be cancelled; and the said annuity was thereby charged on the aggregate fund, and made redeemable by parliament on repayment to the said governor and company of the bank of England of the said sum of two millions: and whereas by an act of parliament made in the eleventh year of the reign of his said late majesty King George the First, intituled, An act for continuing the several annuities of eighty eight thousand seven hundred fifty one pounds, seven shillings, and ten pence halfpenny, and one hundred thousand pounds, to the bank of England, until Midsummer one thousand seven hundred and twenty seven, and from thence for reducing the same to seventy one thousand and one pounds, two shillings, and three pence three farthings, and eighty thousand pounds, redeemable by parliament; and for preventing the uttering of forged, counterfeited or erased bank bills or notes; the said annuity or yearly sum of one hundred thousand pounds, payable to the said governor and company of the bank of England, in respect of the said sum of two millions, was from Midsummer one thousand seven hundred and twenty seven, reduced to an annuity of eighty thousand pounds accordingly; and it was thereby amongst other things provided and enacted, That if at any time or times thereafter payment should be made to the said governor and company of the bank of England, of any sum or sums of money, not being less than five hundred thousand pounds at a time, in part of the said two millions, so much of the annuity attending the same, as shall bear a proportion to the sum or sums so paid in part, should cease, determine and be abated: and whereas in pursuance of an act of parliament made in the first year of his present Majesty's reign, intituled, An act for granting an aid to his Majesty by sale of annuities to the bank of England, at four pounds per centum redeemable by parliament, and charged upon the duties on coals and culm; and for further applying the produce of the sinking fund; and for enlarging the time for exchanging of Nevis and Saint Christopher's debentures, for annuities at three pounds per centum; and for applying the arrears of his late Majesty's civil list revenue; the sum of five hundred thousand pounds was paid to the said governor and company of the bank of England, in part of the said principal sum of two millions, for reducing twenty thousand pounds per annum, being a proportional part of the said annuity of eighty thousand pounds, so that there is now subsisting of the same annuity only the yearly sum of sixty thousand pounds, which is redeemable in manner aforesaid on payment to the same governor and company of the remaining principal sum of one million five hundred thousand pounds: now we your Majesty's most dutiful and loyal subjects the commons of Great Britain in parliament assembled, being willing to have the publick debts and incumbrances discharged as fast as conveniently may be, with regard to justice and the publick faith, and being also desirous to raise the supply granted to your Majesty in this session of parliament

11 Geo. 1. c. 9.

1. Geo. 1. c. 8

One million
and an half to
be paid out of
the sinking
fund.

liament by ways the least burthenfome to your subjects, have resolved to give and grant unto your Majesty the sum of one million five hundred thousand pounds, out of the surplusses, excesses and overplus monies, commonly called *The sinking fund*, towards the supply granted to your Majesty for the service of the year one thousand seven hundred and thirty eight; and to that end and purpose do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That by or out of such monies as have arisen, or shall from time to time arise and be in the receipt of his Majesty's exchequer, of the said surplusses, excesses and overplus monies, commonly called the *sinking fund* (after paying or reserving sufficient to pay all such sum and sums of money as have been directed by any former act or acts of parliament to be paid out of the same) there shall and may be issued, paid and applied, a sum not exceeding the said sum of one million five hundred thousand pounds, for or towards the supply granted to his Majesty for the service of the said year one thousand seven hundred and thirty eight; and the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, are hereby authorized and impowered to issue and apply the same accordingly.

Sinking fund
answerable for
the discharge
of the loan of
500,000 l.

II. And your Majesty's said commons having resolved to give and grant unto your Majesty the further sum of five hundred thousand pounds, for the service of the said year one thousand seven hundred and thirty eight, to be raised in such manner and form as is herein after mentioned, be it further enacted by the authority aforesaid, That the annuities which by this act shall be granted and made payable in respect of the said principal sum of five hundred thousand pounds, until redemption thereof by parliament in manner herein after mentioned, shall from and after the feast day of Saint *Michael* the archangel, one thousand seven hundred and thirty eight, be charged and chargeable upon, and payable out of, the monies which from and after the said feast day shall from time to time arise and be remaining in the receipt of his Majesty's exchequer, of or for the said surplusses, excesses or overplus monies of the fund commonly called *The sinking fund*; and the said surplusses, excesses or overplus monies are hereby appropriated for that purpose accordingly.

Clause of credit.

III. And for or towards raising the said sum or sums of money, not exceeding in the whole the said sum of five hundred thousand pounds, it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to contribute, advance and pay into the receipt of his
Ma-

Majesty's exchequer, for his Majesty's use, at such time or times as shall be appointed by the commissioners of the treasury, or any three or more of them now being, or by the high treasurer, or any three or more of the commissioners of the treasury for the time being, any sum or sums of money, not exceeding the said sum of five hundred thousand pounds, for the absolute purchase of any certain annuity or annuities, to commence from the said feast day of Saint *Michael* the archangel, one thousand seven hundred and thirty eight, and to be paid and payable to such contributor or contributors, or such as he, she or they shall nominate, his, her or their executors, administrators, successors and assigns respectively, until the redemption thereof by parliament in manner herein after contained in that behalf; which certain annuities shall be computed at the rate of three pounds *per annum* for every one hundred pounds; and proportionably for any greater sum so to be advanced and paid; and the purchase money so paid for every such annuity at the rate aforesaid is hereby appointed to be paid into the said receipt of exchequer at the time or times to be appointed as aforesaid; all which annuities so to be purchased shall be paid and payable at two of the most usual feasts or days of payment in the year; that is to say, the feast of the annunciation of the blessed Virgin *Mary*, and Saint *Michael* the archangel, by even and equal portions; the first payment thereof to be due and payable at the feast of the annunciation of the blessed Virgin *Mary*, which shall be in the year of our Lord one thousand seven hundred and thirty nine.

IV. And it is hereby enacted, That in the offices of the auditor of the receipt, and clerk of the pells, there shall be provided and kept a book or books, in which there shall be fairly entred the names of all persons who shall be contributors for such certain annuities as aforesaid, and of all persons by whose hands the said contributors shall pay in any of the said sums upon this act, and also the sums paid for such annuities; to which book it shall be lawful for the said respective contributors, their executors, administrators and assigns, from time to time and at all seasonable times to have resort and to inspect the same without fee or reward.

V. And be it further enacted by the authority aforesaid, That all and every contributor or contributors upon this act duly paying the contribution or purchase money at the rate aforesaid, at the time or times in this act limited in that behalf, for any such annuity or annuities as aforesaid, or such as he, she or they shall appoint, his, her or their respective executors, administrators, successors and assigns, shall have, receive and enjoy, and be intitled by virtue of this act to have, receive and enjoy the respective annuity and annuities so to be purchased, out of the monies by this act appropriated as aforesaid; until the redemption thereof by parliament according to the proviso herein after contained in that behalf; and that all and every such purchasers, their executors, administrators, succe-

Book of accounts to be kept.

Contributors to enjoy and have absolute estates in the annuities.

The same to be personal and not real.

Contributors to have tallies struck, and orders for payment.

Annuities assignable.

sors and assigns respectively, shall have good, sure, absolute and indefeasible estates and interests in the several annuities so by them respectively to be purchased, according to the tenor and true meaning of this act; and that all such estates and interests of and in the said annuities, and every of them, shall be, and be adjudged, taken and accepted in construction of law, and, in all courts of law and equity whatsoever, to be a personal and not a real estate, and shall go to the executors or administrators of the person or persons dying possessed thereof, interested therein, or intitled thereunto, and not to the heirs of such person or persons; any law, custom or usage to the contrary notwithstanding: and that all the said annuities to be purchased on this act as aforesaid, and every of them, shall be free from all taxes, charges and impositions whatsoever.

VI. And be it further enacted by the authority aforesaid, That every contributor upon this act for any such annuity or annuities as aforesaid, his, her or their executors, administrators, successors or assigns, upon payment of the consideration or purchase money for the same at the rate aforesaid, into the said receipt of exchequer, at the time or times in this act limited in that behalf, shall immediately have one or more tally or tallies levied, importing the receipt of the purchase money as shall be so paid for any such annuity or annuities at the rate aforesaid; and every such contributor, his, her or their executors, administrators, successors or assigns respectively, shall have an order for paying the said annuity or annuities until redemption thereof by parliament, according to the proviso herein after contained in that behalf; which order shall be signed by the treasurer and under-treasurer of the exchequer, or any three or more of the commissioners of the treasury for the time being, and after signing thereof the same shall be firm, good, valid and effectual in the law, according to the purport and true meaning thereof, and of this act, and shall not be determinable by or upon the deaths or removal of any treasurer or under-treasurer of the exchequer, or any commissioner or commissioners of the treasury, or by or upon the determination of the power, office or offices of them or any of them, nor shall any lord high treasurer of *Great Britain*, treasurer of the exchequer, or any commissioners of the treasury, now or for the time being, have power to revoke, countermand, determine or make void such orders so signed as aforesaid, or any of them.

VII. And be it further enacted, That the proprietors of the orders to be made forth for the said annuities in pursuance of this act shall or may from time to time, by proper words of assignment to be indorsed on his, her or their order, assign or transfer his, her or their right, title, interest and benefit of such order or orders, to any other person or persons, which being notified in the office of the auditor of the receipt, the officers there shall cause an entry or memorial thereof to be made in the book of registry for such orders without fee or charge; and after such entry made such assignment shall intitle such

such assignee, his, her, or their executors, administrators, successors and assigns, to the benefit thereof and payment thereon, and such assignee may in like manner assign again, and so *et ceteris quoties*; and afterwards it shall not be in the power of such person or persons who shall make such assignments, to make void, release or discharge the same, or any monies thereby due, or any part thereof.

VIII. And whereas it may so happen, that in process of time several of the said standing orders may become defaced, obliterated or incumbered with many assignments indorsed thereon, or by reason thereof, or some other defects therein, it may become necessary that the said defaced, obliterated, incumbered, or otherwise defective orders, should be taken in and cancelled, and new orders made forth, and delivered to the owners and proprietors of the orders so to be cancelled in lieu thereof; be it therefore enacted by the authority aforesaid, That in all or any of the said cases any three or more of

New orders to be made forth in lieu of obliterated ones.

the said commissioners of the treasury now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, may, if he or they shall so think fit, from time to time cause to be made forth new standing orders for and in lieu of such defaced, obliterated, incumbered or otherwise defective orders, so as such defaced, obliterated, incumbered or otherwise defective order or orders, be at the same time delivered up and cancelled, and the new order or orders to be made out in lieu thereof be made payable to the person or persons, who shall appear to be the proprietor or proprietors of the said order or orders so delivered up and cancelled at the time of such delivery up as aforesaid; and the auditor of the said receipt aforesaid shall always take care, that such entries or memorandums be made upon the said new orders, as may denote their being made out in lieu of such defaced, obliterated, incumbered or otherwise defective orders cancelled, and as may secure the publick against any double payments for or by reason of the making out or issuing such new orders in manner aforesaid.

IX. And for the preventing of all frauds and abuses in or about the said standing orders, or any assignments thereof, or the receiving the annuities due or to grow due thereon; be it enacted by the authority aforesaid, That if any person or persons whatsoever shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly or wilfully act and assist in the forging or counterfeiting, any order or orders made forth or to be made forth in pursuance of this act, or any assignment or assignments of such order or orders, or of the annuities payable thereon, or of any receipt or discharge to the exchequer for the annuities due or to grow due on any such order or orders, or of any letter of attorney, or other authority, or instrument, to transfer, assign, alien, or convey any such order or orders, or to receive the annuities due or to grow due thereon, or any part thereof, or shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly or wilfully act or assist in the forging

Forging orders, &c. felony.

or counterfeiting, any the name or names of any of the proprietors of any such order or orders, in or to any such pretended assignment, receipt, letter of attorney, instrument, or authority, or shall knowingly or fraudulently demand or endeavour to have or receive any such annuity or annuities, or any part thereof, by virtue of any such forged or counterfeited receipt, letter of attorney, instrument, or authority, or shall falsely and deceitfully personate any true and real proprietor or proprietors of any of the said order or orders, and thereby assigning or endeavouring to assign any of the said order or orders, or receiving or endeavouring to receive the money of such true and lawful proprietor, as if such offender was the true and lawful owner thereof; then and in every such case all and every person and persons, being thereof lawfully convicted in due form of law, shall be adjudged guilty of felony, and shall suffer as in cases of felony, without benefit of clergy.

No fee to be
taken for or-
ders, &c.

X. And be it further enacted, for the better encouraging persons to advance the said sum of five hundred thousand pounds upon the credit of this act, that all receipts and issues, and all other things directed by this act to be performed in the exchequer, shall be done and performed by the officers there, without demanding or receiving, directly or indirectly, any fee, reward, or gratuity for the same; and in case the officers of the exchequer shall take or demand any such fee or reward, or shall not keep books or registers, and make entries, and do and perform all other things which by this act they are required to perform, every such officer shall forfeit his office, and be for the future incapable of any office or place of trust whatsoever, and shall answer and pay treble damages and costs of suit, to any contributor, or person claiming under him, that will sue for the same; to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege, or wager of law, injunction, or order of restraint, or more than one imparlance shall be granted or allowed; and in the said action the plaintiff upon recovery shall have full costs of suit, one third of which sum so to be recovered shall be paid into the receipt of the exchequer for the benefit of his Majesty, his heirs and successors, and the other two thirds shall be to and for the use of the prosecutor.

Commission-
ers to pay offi-
cers for their
pains out of the
sinking fund.

XI. Provided always, and it is hereby enacted by the authority aforesaid, That out of the monies from time to time arising at the said receipt of exchequer of or for the said surplusses, excesses, or overplus monies, of the fund, commonly called *The sinking fund*, it shall and may be lawful to and for the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, to reward the officers and clerks in the exchequer, and others, that shall or may be any way employed in the execution of this act, in relation to the said annuities to be payable thereupon, for their labour, pains, and service therein respectively, and to discharge and sa-

satisfy such incident charges as shall necessarily attend the execution of the same, in such manner as the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, shall from time to time think fit and reasonable in that behalf; any thing in this act contained to the contrary notwithstanding.

XII. Provided also, and it is hereby enacted by the authority aforesaid, That at any time, upon one year's notice to be printed in the *London Gazette* and affixed upon the *Royal Exchange* in *London* by authority of parliament, at any of the half yearly feast days for payment of the said annuities, and upon repayment by parliament of the principal sums for which the said annuities shall be payable to such respective persons or corporations as shall be intitled to the same annuities, and also upon full payment of all arrearages of the same annuities; then, and not till then, the said annuities shall cease and determine, and be understood to be redeemed; and that any vote or resolution of the house of commons, signified by the speaker in writing, to be inserted in the *London Gazette* and affixed on the *Royal Exchange* in *London* as aforesaid, shall be deemed and adjudged sufficient notice within the words and meaning of this act.

Annuities
when to cease.

XIII. And to the end there may be no want or failure of a certain sum, not to exceed in the whole the said sum of five hundred thousand pounds, to be raised either by such loans as aforesaid, or by issuing exchequer bills as is herein after mentioned, or by both or either of those ways or means, for the publick service; be it further enacted by the authority aforesaid, That in case the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall judge it more advisable to raise the sum of five hundred thousand pounds, or any part thereof, by exchequer bills instead of such loans as aforesaid; that then they respectively are hereby authorized and impowered at any time or times before the twenty fifth day of *December* which shall be in the year of our Lord one thousand seven hundred and thirty eight to prepare and make, or cause to be prepared and made, at the exchequer any number of exchequer bills for any sum or sums of money, not exceeding in the whole the said sum of five hundred thousand pounds together with such loans as aforesaid, in the same or like manner, form, and order, and according to the same or like rules and directions, as in and by a certain act of this present session of parliament (*For continuing the duties on malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and thirty eight.*) are enacted and prescribed concerning the exchequer bills to be made in pursuance of the same act.

Commissioners may raise the said sum by exchequer bills instead of loans.

XIV. And be it further enacted by the authority aforesaid, That all and every the clauses, provisoes, powers, privileges, advantages, penalties, forfeitures, and disabilities contained in the bills made by

The privilege,
ges, &c. relating to the
bills made by

the malt act to extend to those of this act.

the said last-mentioned act relating to the loans or exchequer-bills authorized to be made by the same act (except such clauses as do charge the same on the duties or impositions granted or continued by the same act) shall be applied and extended to the exchequer-bills to be made in pursuance of this act, as fully and effectually to all intents and purposes as if the same exchequer-bills had been originally authorized by the said last-mentioned act, or as if the said several clauses or provisos had been particularly repeated or re-enacted in the body of this present act.

Such bills chargeable on the sinking fund.

XV. And be it enacted by the authority aforesaid, That all the exchequer-bills as shall be made in pursuance of this act, and the interest, premium, rate, and charges incident to, or attending the same, shall be and are hereby charged and chargeable upon and shall be repaid and borne by or out of the growing produce of the said surplusses, excesses, or overplus monies commonly called *The sinking fund* (except such monies of the said sinking fund as are appropriated to any particular use or uses by any former or other act or acts of parliament in that behalf) and such monies of the said sinking fund shall and may be issued and applied, as fast as the same can be regularly stated and ascertained, for or towards paying off, cancelling, and discharging such exchequer bills, interest, premium, rate, or charges, until the whole of them shall be paid off, cancelled, and discharged, or money sufficient for that purpose be kept and reserved in the exchequer, to be payable on demand to the respective proprietors thereof.

One million to be paid to the bank out of the supplies granted this session.

XVI. And be it further enacted by the authority aforesaid, That at or upon the feast day of Saint *Michael* the archangel, one thousand seven hundred and thirty eight, there shall be issued, paid, and applied to the said governor and company of the bank of *England* the sum of one million, out of any the aids or supplies granted in this session of parliament, for redeeming the annuity of forty thousand pounds, part of the before-mentioned annuity of sixty thousand pounds, in further part of the said principal sum of two millions as aforesaid; and that upon payment thereof the annuity attending thereon shall cease, determine, and be abated, for the benefit of the publick.

Application of the money granted this session.

XVII. Provided always, and be it enacted by the authority aforesaid, That all the monies coming into the exchequer, either by loans or exchequer bills, upon one act of this session of parliament, intituled, *An act for continuing the duties upon malt, mum, cyder, and perry, in that part of Great Britain called England, and for granting to his Majesty certain duties upon malt, mum, cyder, and perry, in that part of Great Britain called Scotland; for the service of the year one thousand seven hundred and thirty eight*, and so much money (if any such be) of the duties thereby granted and continued, as shall arise or remain after all the loans or exchequer bills made, or to be made on the same act, and all the interest, premium, or rate and charges thereon,

thereon, and the charges thereby allowable for raising the said duties; shall be satisfied, or money sufficient shall be reserved in the exchequer to discharge the same; and all the monies coming into the exchequer, either by loans or exchequer bills, upon one other act of this session of parliament, intituled, *An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and thirty eight,* and so much money (if any such be) of the tax thereby granted, as shall arise or remain, after all the loans or exchequer bills made or to be made on the same act, and all the interest, premiums, or rate and charges thereon, and the charges thereby allowable for raising the said land tax, shall be satisfied, or money sufficient shall be reserved in the exchequer to discharge the same; and the sum of two millions by this act granted as aforesaid, shall be appropriated and applied, and are hereby appropriated for and towards the several uses, intents, and purposes herein before and after expressed, subject nevertheless to such restrictions as are herein after prescribed; that is to say, it is hereby enacted and declared, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding one million two hundred forty two thousand eight hundred eighty five pounds, twelve shillings, and five pence, for or towards the naval services herein after more particularly expressed; that is to say, for or towards defraying the charge of the ordinary of his Majesty's navy, and for half pay to sea officers, and for or towards victuals, wages, wear and tear of the navy, and the victualling thereof, performed and to be performed, and for or towards sea services in the office of ordnance, performed and to be performed.

1,242,885 l.
12 s. 5 d. for
naval services.

XVIII. And it is hereby enacted, That out of all or any the aids or supplies provided as aforesaid there shall and may be issued and applied any sum or sums of money not exceeding forty thousand pounds, for the rebuilding and repairing ships of the royal navy for the year one thousand seven hundred and thirty eight.

40,000 l. for
rebuilding
ships,

XIX. And it is also hereby enacted, That out of all or any the aids or supplies as aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding ten thousand pounds upon account for or towards the support of the royal hospital at *Greenwich*, and for the better maintenance of the seamen of the said hospital, worn out and become decrepit in the service of their country.

10,000 l. to
Greenwich
hospital.

XX. And it is hereby also enacted, That out of all or any the aids or supplies as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding eighty six thousand and nineteen pounds, four shillings, and seven pence, for or towards defraying the charge of the office of ordnance for land service performed, and to be performed, and for defraying the extraordinary expence of the office of ordnance for land services, not provided for by parliament.

86,010 l. 4 s.
and 7 d. for
the office of
ordnance.

XXI. And it is hereby likewise enacted, That out of all

or 961,786 l. 19 s.

9 d. for the
land forces.

647,549 l. 11 s.
3 d. halfpen-
ny, for guards
and garrisons.

225,982 l. 7 d.
halfpenny, for
the planta-
tions.

27,910 l. 7 s.
6 d. for Chel-
sea Hospital.

14,395 l. 4 s.
6 d. for ex-
traordinary
expences.

41,959 l. 15 s.
70 d. for half-
pay.

3,990 l. for
reduced offi-
cers widows.

or any the aids or supplies, provided as aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding nine hundred sixty one thousand seven hundred eighty six pounds, nineteen shillings, and nine pence, for or towards maintaining his Majesty's land forces, and other services herein after more particularly expressed; that is to say, any sum or sums of money not exceeding six hundred forty seven thousand five hundred forty nine pounds, eleven shillings, and three pence halfpenny, for defraying the charge of seventeen thousand seven hundred and four men, including commission and non-commission officers, and invalids, for guards, garrisons, and six independent companies for the service of the highlands, and other his Majesty's land forces in *Great Britain*, *Guernsey*, and *Jersey*, for the year one thousand seven hundred and thirty eight; and any sum or sums of money not exceeding two hundred twenty five thousand nine hundred eighty two pounds, and seven pence halfpenny, for maintaining his Majesty's forces and garrisons in the plantations, *Minorca*, and *Gibraltar*, and for provisions for the garrisons at *Annapolis Royal*, *Canso*, *Placentia*, and *Gibraltar*, for the year one thousand seven hundred and thirty eight; and any sum or sums of money not exceeding twenty seven thousand nine hundred and ten pounds, seven shillings, and six pence, upon account for the out-pensioners of *Chelsea* hospital, for the year one thousand seven hundred and thirty eight; and any sum or sums of money not exceeding fourteen thousand three hundred ninety five pounds, four shillings, and six pence, for defraying several extraordinary expences and services incurred in the year one thousand seven hundred and thirty seven, and not provided for by parliament; and any sum or sums of money not exceeding forty one thousand nine hundred fifty nine pounds, fifteen shillings, and ten pence, upon account of half-pay to the reduced officers of his Majesty's land forces and marines, for the year one thousand seven hundred and thirty eight, subject nevertheless to such rules to be observed in the application of the said half-pay, as are herein after prescribed concerning the same; and any sum or sums of money not exceeding three thousand nine hundred and ninety pounds, for paying of pensions to widows of such reduced officers of his Majesty's land forces and marines, as died upon the establishment of half-pay in *Great Britain*, and who were married to them before the twenty fifth day of *December*, one thousand seven hundred and sixteen, for the year one thousand seven hundred and thirty eight; which said sum of three thousand nine hundred and ninety pounds, shall be issued to such person or persons, as his Majesty shall, by warrant or warrants under his royal sign manual direct or appoint to receive the same, to be by him or them paid over to such widows of half-pay officers, or their assigns, according to such establishments, lists, or other directions, and with and subject to such conditions, qualifications, deductions, or other allowances for the same, as his Majesty, by such or the like warrant or warrants, shall be graciously pleased to direct or appoint.

XXII. And

XXII. And it is hereby also enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding twenty eight thousand three hundred twenty one pounds, four shillings, and eleven pence three farthings, towards making good the deficiency of the grants for the year one thousand seven hundred and thirty seven.

XXIII. And it is also hereby enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding three thousand two hundred thirty two pounds, eighteen shillings, and ten pence, to replace to the sinking fund the like sum paid to make good the deficiency of the additional stamp duties at *Christmas*, one thousand seven hundred and thirty six, pursuant to a clause in an act of parliament passed in the fourth year of his Majesty's reign, for raising one million two hundred thousand pounds by annuities, and a lottery for the service of the year one thousand seven hundred and thirty one; and any sum or sums of money not exceeding thirty thousand pounds, to replace to the said sinking fund the like sum paid out of the same to the governor and company of the bank of *England* for one year and a half's interest due on or before the eighth day of *September*, one thousand seven hundred and thirty seven, being after the rate of four pounds *per centum* on the principal sum of five hundred thousand pounds by them lent on the credit of the salt duties towards the supply of the year one thousand seven hundred and thirty five, pursuant to a clause in an act of parliament passed in the eighth year of his Majesty's reign, for granting and continuing the duties upon salt, and upon red and white herrings, for the further term of four years; and any sum or sums of money not exceeding ten thousand pounds, towards the maintenance of the *British* forts and settlements belonging to the royal *African* company of *England*, on the coast of *Africa*; and any sum or sums of money not exceeding four thousand pounds, towards repairing and finishing the collegiate church of *Saint Peter*, *Westminster*, and there shall and may be issued to the trustees for establishing the colony of *Georgia* in *America*, any sum or sums of money not exceeding eight thousand pounds, by them to be applied towards settling and securing the said colony.

XXIV. And as to the said sum of forty one thousand nine hundred fifty nine pounds, fifteen shillings, and ten pence, by this act appropriated on account of half-pay, as aforesaid; it is hereby enacted and declared by the authority aforesaid, That the rules herein after prescribed shall be duly observed in the application thereof; (that is to say) that no person shall have or receive any part of the same, who was a minor, and under the age of sixteen years, at the time when the regiment, troop, or company, in which he served, was reduced; that no person shall have or receive any part of the same, except such persons who did actual service in some regiment, troop, or company; that no person

28,321 l. 4 s.
11 d. Three
farthings, for
deficiency
of the grants
for 1737.

3,232 l. 18 s.
10 d. for de-
ficiency of the
stamp duties.

30,000 l. to
replace to the
sinking fund.

10,000 l. to-
wards main-
taining the
African forts,
4,000 l. to the
repairing of
Westminster
Abbey.

80,000 l. to
the colony of
Georgia.

Rules for the
application of
half-pay.

person having any other place or employment of profit, civil or military, under his Majesty, shall have or receive any part of the said half-pay; that no chaplain of any garrison or regiment, who has any ecclesiastical benefice in Great Britain or Ireland, shall have or receive any of the said half-pay; that no person shall have or receive any part of the same, who hath resigned his commission, and hath had no commission since; that no part of the same shall be allowed to any person by virtue of any warrant or appointment, except to such persons, who would have been otherwise intitled to the same as reduced officers; and that no part of the same shall be allowed to any of the officers of the five regiments of dragoons, and eight regiments of foot, lately disbanded in Ireland, except to such as were lately taken off the establishment of half-pay in Great Britain.

XXV. *And whereas by an act of parliament made in the tenth year of his Majesty's reign, intituled, An act for repealing the present duty on sweets, and for granting a less duty thereon; and for explaining and enforcing the execution of an act passed in the ninth year of his Majesty's reign, intituled, An act for laying a duty upon the retailers of spirituous liquors, and for licensing the retailers thereof; and for appropriating the supplies granted in this session of parliament, and for making forth duplicates of exchequer bills, lottery tickets, and orders lost, burnt, or otherwise destroyed; several supplies which had been granted to his Majesty, as is therein mentioned, were appropriated to several uses and purposes therein expressed, amongst which, any sum or sums of money not exceeding forty four thousand six hundred eighty five pounds, two shillings and six pence, was appropriated to be paid to the reduced officers of his Majesty's land forces and marines, subject nevertheless to such rules to be observed in the application of the said half-pay, as in and by the aforesaid act were prescribed in that behalf: now it is hereby provided, enacted, and declared by the authority aforesaid, That so much of the said sum of forty four thousand six hundred and eighty five pounds, two shillings and six pence, as is or shall be more than sufficient to satisfy the said reduced officers, according to the said rules by the said act prescribed to be observed in the application thereof, or any part of such overplus, shall or may be disposed of to such officers who are maimed or lost their limbs in the late wars, or such others as by reason of their long service or otherwise his Majesty shall judge to be proper objects of charity, or to the widows or children of such officers, according to such warrant or warrants under his Majesty's royal sign manual, as shall be signed in that behalf; any thing in this act, or the said former act, to the contrary notwithstanding.*

Surplus money granted to reduced officers for the year 1737, how disposed of.

C A P. XXVIII.

An act for the better regulating the manufacture of narrow woollen cloths in the West Riding of the county of York.

Preamble.

WHEREAS it hath been found by experience, that the laws now in being concerning the making and manufacturing of narrow

*raw woollen cloth in the West Riding of the county of York have hitherto proved ineffectual to restrain and prevent the deceits, frauds, and abuses, which are used and practised in the making and working the said cloth, particularly in stretching and straining the said cloth; which ill practices tend very much to the discrediting the said manufacture both at home and in parts beyond the seas; for remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of August, which shall be in the year of our Lord one thousand seven hundred and thirty eight, every maker of narrow woollen cloth within the West Riding of the said county of York, shall weave or set in the head of every piece of narrow woollen cloth by him to be made (except white kerseys, and cloths called *Half Thicks*) the initial letters of his christian and surname; and that every piece of narrow woollen cloth made, milled, or exposed to sale in the said West Riding of the said county (except as before excepted) shall be measured at the fulling-mill, when it is fully wet, and before it is carried from the said mill, both by the mill man, or owner or occupier of the said mill, and by the searcher (to be appointed as herein after is mentioned) who shall measure the same down the middle of each cloth for the length, and within the lists for the breadth thereof; and every such mill man, or owner or occupier of every such fulling-mill, shall affix or cause to be affixed at one end of every such cloth, before it shall be carried from the mill, a seal of lead, to be furnished by the clothier; and the said mill-man, or owner or occupier of every such fulling-mill, shall rivet the same on every such cloth, and shall stamp his own name in plain words at length thereupon, and shall likewise stamp the length and breadth of every such cloth in plain and legible figures upon the same seal of lead; and every such searcher shall also affix a seal of lead at the other end, whereon he shall stamp his name, and the length and breadth of the cloth in plain words and figures, and in the same manner as the said mill man is hereby directed and required to seal and stamp the same; and the said mill man, or owner or occupier of every such fulling-mill, and also every such searcher, shall respectively keep books, wherein they shall enter in plain and legible words and figures the day and year when every such piece of cloth is or shall be fullled or milled, and also the name and place of abode of the owner of every such piece of cloth, and the length and breadth thereof.*

Makers of narrow woollen cloth to set the initial letters of their names at the head of every piece of cloth.

Exception.

The same to be measured and how.

II. And be it further enacted by the authority aforesaid, **Penalties.** That from and after the first day of August, one thousand seven hundred and thirty eight, if any maker of any such cloth shall refuse or neglect to weave or set the initial letters of his christian and surname in the head of each cloth so by him made; or if any mill man, or owner or occupier of any such fulling-mill, or any such searcher, shall refuse or neglect to fix such seals at the end of every piece of such cloth, before it shall be carried from

the mill, in the manner, and with such stamp or impressi^on, as is before directed; or shall neglect or refuse to make such entries in books to be kept by them respectively for that purpose, as are herein before directed; or shall refuse to permit and suffer any buyer to inspect such entries, when thereunto reasonably required: every person or persons so offending shall, for every such neglect or offence, forfeit the several sums herein after mentioned; that is to say, every maker of such cloth shall forfeit the sum of twenty shillings, and every mill man, or owner or occupier of such fulling-mill, and every such searcher, shall respectively forfeit for every such neglect or offence the sum of five pounds.

Justices at
quarter sessions to ap-
point search-
ers,

III. And be it further enacted, That the justices of the peace for the said *West Riding* of the said county of *York* shall, at their quarter sessions of the peace to be holden for the said *West Riding*, or the major part of them present, next after *Midsummer* next, and afterwards at their general quarter sessions of the peace to be holden next after *Easter* yearly and every year, choofe and appoint so many men of good character and repute within the said riding, who have served apprenticeship to the trade of making narrow cloth, or who shall have exercised such trade for the space of three years, as they shall think reasonable, to be searchers for the year ensuing, and may allow to each of them such a salary, as they in their discretion shall think fit; which said searchers shall and may have full power at all seasonable and convenient times to enter into and inspect all such mills, shops, warehouses, and tenter grounds of makers, merchants, or dealers in narrow cloth; as they shall think proper; and if they think fit, to measure the length and breadth of any cloth which they shall suspect to be over-stretched or strained in length or breadth: and all and every such searcher and searchers, before he or they shall enter upon the execution of his or their said office, shall take the following oath before one of the justices of the peace for the said riding; that is to say,

and allow
them salaries.

Searchers to
be sworn.

The oath.

I A. B. do swear, That I will well and truly execute the office of a searcher of narrow woollen cloth within the *West Riding* of the county of *York*.

So help me God.

In case of the
death or sick-
ness of any
searcher, an-
other to be
appointed.

IV. Provided always, and be it further enacted, That if any person, who shall be so appointed to be a searcher of such cloth, shall happen to die during the year for which he is so appointed to be a searcher, or shall, by sickness or any other accident, be rendered incapable of executing the said office, that then, and in such case, it shall and may be lawful for any one justice of the peace of the said riding, living near to the place where such searcher did or shall reside, to appoint some other proper person (qualified as aforesaid) to supply the place of such searcher until the next quarter-sessions, to be there by the major part of the justices present confirmed, or another person appointed in his place;

place; and the person so confirmed or appointed shall take the same oath, and be invested with the same powers, and liable to the same penalties for any breach or neglect of duty, as the searchers elected or to be elected at the quarter-sessions by virtue of this act are or ought to be.

V. And be it further enacted by the authority aforesaid, That every piece of such narrow cloth shall be measured by the maker or owner of the said cloth after it is brought from the mill, and before it be set upon the tenter; and if such maker or owner finds such cloth, upon measuring thereof, to be less than the measure stamped thereupon at the mill, either in length or breadth, or if such cloth, by lying wet in an improper season for drying, shall fall short of the measure so stamped thereupon, that then, and in such case, the maker or owner of such cloth shall carry or send the same to the mill man, or owner or occupier of the fulling-mill, and to the searcher who measured and stamped the same, to be by them re-measured and re-stamped with the true length and breadth thereof; and in case any maker or owner of such cloth shall neglect so to do, every such maker or owner shall, for every such offence, forfeit the sum of five shillings. Cloths stamped wrong, to be re-stamped,

VI. And be it further enacted, That from and after the first day of *August*, one thousand seven hundred and thirty eight, it shall and may be lawful for the maker or owner of such cloth, to stretch every such piece of narrow cloth one inch in every yard in length, and two inches in every three quarters of a yard in breadth, and so in proportion for every piece of narrow cloth of greater length or breadth; but if any maker, buyer, owner, dresser, or dealer in such narrow cloth shall, from and after the said first day of *August*, one thousand seven hundred and thirty eight, strain or stretch, or cause any such cloth to be strained or stretched, above the proportions herein before-mentioned, either in length or breadth, every such person so offending shall forfeit for the first half-yard in length, or first inch in breadth, so overstretched, the sum of ten shillings, and for every other half-yard in length, or half-inch in breadth, the sum of twenty shillings. Makers to stretch cloth to certain proportions.

VII. And be it further enacted by the authority aforesaid, That if any person or persons shall take off, or in any manner alter, deface, obliterate, counterfeit, or cut out any of the said seals, or any of the figures or letters stamped thereupon, or any letter or letters set or woven in such cloth, before the same shall be sold or cut by the retailer, or exported to parts beyond the seas by the merchant or dealer, every such person or persons so offending, shall, for every such offence, forfeit the sum of forty shillings. Stamps not to be obliterated.

VIII. And be it further enacted by the authority aforesaid, That a sum not exceeding three pence for every such narrow cloth made or milled within the said *West Riding* of the said county of *York* (which sum shall be settled and ascertained by the justices of the peace for the said riding at their general quarter sessions, or the major part of them then present, next after *Midsummer* next, and afterwards, at their general quarter sessions

Expenses of the act, &c. to be paid.

sions after *Easter* yearly and every year) shall be paid by every maker or owner of such cloth, before the same is carried to the fulling-mill, to such person or persons as the said justices of the peace shall appoint to receive the same; and that all and every of the sums of money so raised shall be applied to defray the charges and expences in obtaining this act, and to pay the salaries of searchers, and to defray the other necessary expences of putting this act in execution; in such manner and proportion as the said justices of the peace at their said quarter-sessions yearly, or the major part of them, then present, shall direct and appoint.

The mill man
or searcher to
detain cloth,
till the money
is paid.

IX. And be it further enacted by the authority aforesaid; That it shall and may be lawful for such mill man, or owner or occupier of every such fulling-mill, or such searcher, or such other person as the said justices shall appoint to receive the money to be so settled and ascertained to be paid for every such piece of narrow cloth as aforesaid, to detain such cloth at the fulling-mill till the money so payable for the same shall be paid; and in case the maker or owner of such cloth shall neglect or refuse to pay the same for the space of eight days after the same is demanded, that then, and in such case, it shall and may be lawful for the person so appointed to receive the said money, to sell one or more pieces of the said cloth for the best price that can reasonably be got for the same, and to detain so much money as shall then be due from the owner of the said cloth by virtue of this act, out of the money arising by such sale; returning the overplus (if any be) upon demand, to the owner of such cloth or his assigns.

Offences a-
gainst this act
how to be de-
termined.

X. And it is further enacted by the authority aforesaid, That all and every of the offences in this act mentioned shall be enquired of, heard, and determined by any one or more justice or justices of the peace in the said riding, not being dealers in the manufacture of woollen cloth, or in buying or selling the same, upon the oath of one or more credible witness or witnesses, reasonable notice being first given to the person or persons who shall be charged with, or accused of, any offence or offences against this act; and that all such penalties and forfeitures as shall or may happen by reason of this act, shall, after conviction be paid into the hands of the justice or justices of the peace before whom the parties offending shall happen to be convicted, who shall and is hereby authorized and required (after the charges of conviction are deducted) to pay one moiety thereof to the informer who shall inform, sue, or prosecute for the same, and to pay the other moiety thereof to the treasurer of the said *W^{est} Riding* of the county of *York* at the next quarter sessions to be held for the said riding after the said penalty shall be so paid, to be applied towards defraying the expences of carrying this act into execution, in such manner as the justices of the peace for the said riding at their said quarter sessions shall direct and appoint; and if any offender or offenders so convicted shall, by the space of ten days next after his, her, or their conviction (notice being thereof given to him, her, or them, at his, her, or their dwelling-house or last place of abode)

Penalties how
to be disposed
of.

bode) neglect or refuse to pay any penalty or forfeiture by him, her, or them incurred by reason of this act, or shall not appeal to the quarter sessions as herein after is provided, that then, and in such case, it shall and may be lawful for the justice or justices of the peace before whom such conviction shall be made, or any other justice or justices of the peace for the said riding, not being a dealer in woollen cloth, upon a certificate of such conviction, to issue out one or more warrant or warrants under his or their hands and seals to the constable of the town or place, or to the bailiff or bailiffs of the liberties, wapentakes, or limits where such offender or offenders do or shall inhabit, thereby commanding him or them to levy the same by distress and sale of such offender's goods and chattels, returning the overplus (if any be) after paying the charges of such distress and sale to the owner or owners thereof who shall demand the same; and if no sufficient distress can be found, then to commit such offender or offenders to the house of correction within the said *West Riding*, there to be kept to hard labour for the space of one month.

XI. Provided always, and it is hereby declared and enacted, That all informations and prosecutions whatsoever, which shall be brought or prosecuted for any of the penalties or forfeitures in this act mentioned, against any mill man, or owner or occupier of any fulling-mill, or against any searcher to be appointed in pursuance of this act, shall be commenced and prosecuted within eight days after the cloth, touching which such offence shall arise, shall be removed from the fulling-mill; and that all informations or prosecutions against any clothier or maker of, or dealer in cloth, shall be commenced within one month after the cloth, touching which such offence shall arise, is sold and delivered out of his, her, or their custody; and that all other prosecutions and informations against any other persons whatsoever for any of the penalties or forfeitures in this act mentioned shall be commenced or brought within one month after the offence is committed.

Prosecutions against mill men, &c. to be commenced within 8 days.

or against clothiers and dealers in cloth, within 1 month after the offence.

XII. Provided always, and it is hereby enacted by the authority aforesaid, That if any person or persons shall find him or herself aggrieved by any order or warrant made by any justice or justices of the peace upon any conviction before him or them in pursuance of this act, such person or persons may appeal to the next general quarter sessions to be held after fourteen days from such conviction, for the said riding of the said county of *York*, giving ten days notice of such appeal to the person or persons discovering the offence on which the conviction was made; and if the justices at their said quarter sessions shall think fit either to confirm or disannul the orders or proceedings of the said justice or justices, they shall allow such costs and charges to the party aggrieved thereby, as they shall think reasonable, to be levied and paid in such manner, as is usual in cases of appeals from any order of the justices of the peace to the sessions, whose order herein shall be final.

Liberty of appeal to the quarter-sessions.

XIII. Provided also, and it is hereby declared, That it shall and may make cloth of

what length
and breadth
they think fit.

may be lawful to and for any clothier, or maker of narrow woollen cloth, in the said *West Riding* of the said county of *York*, to make every piece of narrow woollen cloth (except as before excepted) to be by him made, from and after the first day of *August*, one thousand seven hundred and thirty eight, of such length and breadth as he shall think fit; any law, statute, or usage to the contrary in any wise notwithstanding.

Directions for
cloths made in
the *West Rid-*
ing of *York*,
and milled in
adjacent coun-
ties.

XIV. And whereas several of the said narrow coloured cloths are made in the said *West Riding* of the said county of *York*, and in times of great drought or frost, and at some other times, are most conveniently milled in the adjacent parts of the counties of *Lancaster*, *Chester*, or *Derby*, where no mill men and cloth searchers are by this act appointed to put in execution the several powers hereby granted, and afterwards the same cloths are exposed to sale in the said *West Riding* of the said county of *York*; it is hereby further enacted, That for the better regulation thereof, all and every such cloth or cloths made in the *West Riding* of the county of *York*, and so milled in the said counties of *Lancaster*, *Chester*, or *Derby*, shall, before they are dried and tentered, be brought to the nearest mill man and cloth searcher in the said *West Riding* of the said county of *York* to be by this act appointed, and be by them measured, and have their lengths and breadths stamped and affixed thereto, and shall be in every other respect conformable to the same regulations and payments as such cloths are, which are both made and milled in the said *West Riding*, and in default thereof the makers or venders of such cloths as aforesaid shall be liable to the same penalties and forfeitures as those are, who both make and mill cloths in the said *West Riding* of the county of *York*.

Actions to be
laid in Com'
York.

XV. Provided always, and be it further enacted by the authority aforesaid, That if any action or suit after the commencement of this act shall be brought, commenced, sued or prosecuted against any person or persons, by this act authorized to put the same or any part thereof in execution, in every such case the action shall be laid in the said county of *York*, and not elsewhere; and every such person or persons so sued or prosecuted may to such action or suit plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if it shall appear so to be done, or that such action or actions shall be brought in any other county, that then the jury shall find for the defendant or defendants; and that upon such verdict, or if the plaintiff or plaintiffs shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, for which he and they shall have the like remedy, as in cases wherein costs are by law given to defendants: and that this act shall be taken and allowed as a publick act in all courts within this kingdom; and all judges, justices and other persons, are hereby required to take notice thereof as such, without specially pleading the same.

General issue.

Treble costs.

Publick act.

CAP.

CAP. XXIX.

An act for repairing the road from Shoreditch Church through Hackney to Standford Hill, and cross Cambridge Heath, over Bethnal Green, to the turnpike at Mile End, in the county of Middlesex.

Certain tolls are granted from 1 June, 1738, for 21 years.

CAP. XXX.

An act for explaining and amending an act of the eighth year of his present Majesty's reign, intituled, An act for the application of the rents and profits of the estates forfeited by the attainder of James late earl of Derwentwater, and Charles Radcliffe.

WHEREAS James late earl of Derwentwater was in the year of our Lord one thousand seven hundred and fifteen attainted of high treason, and executed for the same: and whereas Charles Radcliffe was also attainted of high treason in the year of our Lord one thousand seven hundred and sixteen: and whereas by virtue of an act of parliament, in the first year of the reign of his late majesty King George the First, intituled, An act for appointing commissioners to enquire of the estates of certain traitors and popish recusants, and of estates given to superstitious uses, in order to raise money out of them severally for the use of the publick; and of one other act made in the ninth year of his said late Majesty's reign, intituled, An act to continue the duties for encouragement of the coinage of monies; and for relief of William late lord Widdrington; and to prevent foreign lotteries being carried on in this kingdom; and for ascertaining the duties on bound books imported; and for issuing certificates and debentures for arrears due to five regiments, to be satisfied by annuities therein mentioned; and for discharging the duties of rock salt lost on the rivers *Weaver* and *Mercy*; and for limiting the times of continuance of commissioners for forfeited estates in *England* and *Scotland* respectively; and for appropriating the supplies granted to his Majesty in that session of parliament; and to rectify misnomers and omissions of commissioners for the land tax, in the year one thousand seven hundred and twenty three; and of one other act made in the fifth year of his present Majesty's reign, intituled, An act for making void the several contracts for the sale of the estate of James late earl of Derwentwater, to William Smith esquire, and also of the annuity of two hundred pounds, during the life of Charles Radcliffe, and the arrears thereof, to Matthew White esquire, and the several conveyances made in pursuance of the same; and of other acts of parliament, made and passed in the reign of his said late Majesty, the barony, manor or lordship of Langley in the county of Northumberland, and divers other manors, lordships, messuages, lands, tenements, rents and hereditaments belonging to him the said James late earl of Derwentwater, and the said Charles Radcliffe, became vested in his then Majesty, and afterwards in his present Majesty, for the use of the publick: and whereas by an act made in the eighth year of his present Majesty's reign, intituled, An act for the

Preamble, re-citing the acts

1 Geo. 1. c. 50.

9 Geo. 1. c. 194

5 Geo. 2. c. 233

1 Geo. 1. c. 194

application of the rents and profits of the estates forfeited by the attainders of *James* late earl of *Derwentwater*, and *Charles Radcliffe*; the said premisses are continued vested in his present Majesty, his heirs and successors; and the rents, issues and profits thereof, are appropriated for the use and benefit of the royal hospital for seamen at *Greenwich*, according to the directions of the said act, subject to such incumbrances as are contained in the said act: and whereas the said premisses being by the said last mentioned act vested as aforesaid in his Majesty, his heirs and successors, in his politick capacity, which in consideration of law never dies, it may create a doubt, whether the tenants of the said estates ought to do such acts and services, and pay such fines and sums of money on the death of his present Majesty (whom God long preserve for the benefit of his people) or on the death of any future King or Queen of this realm, as by the nature and tenure of their estates, founded upon immemorial usage and custom, or otherwise, they ought to have done and performed and paid on the

See 22 Geo. 2.
c. 31.

Tenants of the said estates to pay the same fines, &c. upon the death of the King or his successors, as if they were private persons.

death of any lord thereof, in case such lord was a subject; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That upon the death of his present Majesty, and also upon the death of every successive King and Queen of this realm, all such acts and services shall be done and performed, and all such fines and sums of money shall be paid by the respective tenants of the said estates to every successor of his Majesty, or, in case any of the said estates shall be sold, to such other persons, who shall be the owner thereof, as by the ancient tenure thereof, or by any contract, law, usage or custom ought to be done, performed and paid by them, in case such King or Queen so dying was considered as a private person only, and not in his or her politick capacity; and for default of performance of such acts and services, which ought so to be done and performed, and for default of payment of any such fines and sums of money, which ought so to be paid, such forfeiture and penalties shall accrue and become due, and it shall be lawful for his Majesty, his heirs and successors, and for all and every person and persons by him or them appointed, or who shall be then owner of the said estates, or any of them, to use and take all such ways and means for recovering and taking advantage of the said forfeitures and penalties, as might be lawfully used or taken by any lord of the said estates, in case such King or Queen so dying was considered as a private person only, and not in his or her politick capacity; any law, usage or custom to the contrary notwithstanding: all which said fines, sums of money, penalties and forfeitures, which shall accrue and become due to his Majesty, his heirs and successors, during his and their interest therein, shall be applied to and for the use and benefit of the royal hospital for seamen at *Greenwich*.

To be applied to the use of *Greenwich* hospital.

II. And whereas there are growing or standing on the said estates large quantities of timber, which if sold might raise a considerable part of the money with which the said estates are now incumbered; and

be otherwise a benefit to the said hospital: and whereas some doubt hath been raised what method ought to be taken for the sale of the timber on the said estates; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for the attorney general of his Majesty, his heirs and successors, by his or their direction to apply to his Majesty's court of *Exchequer* at *Westminster* by motion in a summary way for the sale of all or of such part or parts of the timber on the said estates, or any of them, while the same shall remain unfold, from time to time and at all times as shall be thought fit; upon which motion it shall and may be lawful to and for the said court of *Exchequer* to make such order or orders, and give such directions for the sale or sales of such timber, and other orders and directions therein, as the said court shall think proper; and the money arising by such sale or sales shall be applied by the direction of the said court to the discharge of the said incumbrances, and in the mean time be paid by the purchasers into the court of *Exchequer*, or to the treasurer of the said hospital for the time being, or be placed out in such government or other securities, and in the names of such persons, as the said court shall direct; and in case there shall happen to be any surplus of the said money, the same shall be applied in the first place for and towards the finishing and completing the building of the said royal hospital; and after the building of the same royal hospital shall be completed and finished, for and towards the support of the said royal hospital, for the better maintenance of the seamen of the said royal hospital, worn out and become decrepit in the service of their country; and after the said incumbrances shall be totally discharged, then all the produce of or money arising by the sale or sales of any timber on the said estates shall be from time to time and at all times wholly appropriated and applied to the use of the said hospital.

Method for
selling the
timber of the
said estates.

Money thence
arising how to
be applied.

III. Provided always, and it is hereby enacted and declared, That it shall and may be lawful to and for his Majesty, his heirs and successors, by sign manual to authorize the commissioners and governors of the said hospital for the time being, or any seven or more of them, according to their discretions to direct the cutting down from time to time such timber from off the said estates, to be used in the repairing any houses, tenements, buildings or erections on the said estates; and also in the building any new houses, tenements, buildings or erections on the said estates, as they shall judge necessary for any tenants of the said estates, and to be for the benefit or improvement thereof.

His Majesty to
order the cut-
ting down of
such timber.

IV. And whereas in and by the said last mentioned act there is a power lodged in the said court of exchequer, upon application as thereby directed, to make such orders, and give such directions, as the said court shall think proper, for the sale or sales of the absolute fee simple and inheritance of such part or parts of the said premises so forfeited and vested in his Majesty as aforesaid, and charged with the respective mortgages and incumbrances in the said act mentioned, as should be sufficient to discharge the same; except an annuity of one

Incumbrances
may be dis-
charged by
sale of any of
the premises.

Purchasers to
have grants
thereof.

*hundred pounds a year in the said act mentioned: and whereas the rest of the said premises so forfeited and vested in his Majesty, or some of them, which are not charged with the said mortgages and incumbrances, may by reason of their lying intermixed and in common with the estates of other persons or otherwise, be more convenient to be sold for the purpose aforesaid, than such of the said premises which are so charged, or some of them; be it therefore enacted by the authority aforesaid, That for or towards the discharge of the said mortgages and incumbrances (except the said annuity of one hundred pounds a year) and not otherwise, it shall and may be lawful to and for the attorney general of his Majesty, his heirs and successors, by his and their direction, to apply to his Majesty's said court of *exchequer* by motion in a summary way for the sale or sales to any person or persons, being protestants, of the fee simple and inheritance of any of the said premises so forfeited, and vested in his Majesty as aforesaid, or any part or parts thereof, which are not charged with the said mortgages and incumbrances, as shall be thought most convenient to be sold and disposed of; upon which motion it shall and may be lawful to and for the said court to make such order or orders for enquiring into the conveniency of the sale of the same, and upon report thereof, to make such order or orders, and give such directions for such sale or sales thereof, as the said court shall judge proper, and for causing publick notice to be given of such sale or sales, as is usual in cases of estates directed to be sold by decrees in courts of equity; and to make and give such other orders and directions therein, as to that court in their discretion shall seem just; and the money arising by such sale or sales shall be applied by the direction of the said court for or towards the discharge of the said incumbrances, or some of them, and in the mean time be paid by the purchasers into the court of *exchequer*, or to the treasurer of the said hospital for the time being, or be placed out in such government or other securities, and in the names of such persons, as the said court shall direct; and in case there shall happen to be any surplus of the said purchase money, the same shall be applied for the benefit of the said hospital; and upon payment and application of such purchase money as aforesaid, one or more grant or grants, assurance or assurances, of such parts and parcels of the said estates and premises as shall be so sold and paid for as aforesaid, shall be made and passed under the great seal of *Great Britain* to every such purchaser or purchasers, his, her or their heirs and assigns; and all and every person or persons making any such purchase, and having any such grant or grants, assurance or assurances as aforesaid, shall from the time of making such grant or grants, assurance or assurances, be, and are hereby adjudged to be, seised of and intitled to the absolute fee simple, and in the actual possession, of such part and parts of the said premises as shall be so purchased and conveyed.*

V. And whereas in and by the said last-mentioned act of parliament it is enacted, That it shall and may be lawful for his Majesty, his heirs

heirs and successors, to authorize and impower the commissioners and governors of the said royal hospital for the time being, to grant leases of the premises or any part or parts thereof, during such term of years, and upon the conditions of the said act mentioned; and amongst other things it is thereby ordered, That no clause be contained in any of the said leases, giving power to any lessee to commit waste, or exempting him, her, or them from punishment for committing the same: and whereas within and under several of the said lands and premises are contained several mines of lead, coal, and other minerals, as well opened as not opened, which will probably turn to a very great profit unto the said royal hospital, for the winning and working whereof it will be necessary to make and sink pits, trenches, groves, drifts, water-gates, and water-courses, and to do several other acts and things within and upon the said lands and grounds, which may be reckoned and deemed to be committing waste within the meaning of the said act; to the end therefore that the said mines and minerals, as well unopened as opened, may be effectually won and wrought for the benefit of the said hospital; be it enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, his heirs and successors, during the continuance of his or their estate in the premises, by sign manual to authorize the commissioners and governors of the said hospital, or any seven or more of them, to demise and grant all and every or any of the said mines and minerals, as well unopened as opened, for any number of years not exceeding twenty one years, to take effect in possession and not in reversion, reserving the best rents or dues that can be reasonably gotten for the same, without taking any fine, premium, or free gift, with full liberty to the respective lessees to win and work the same mines and minerals, and to do every act and thing requisite and necessary for that purpose, without reckoning or deeming the same to be waste, so as there be contained in all such leases a condition of re-entry for non-payment of rent, and so as the respective lessees execute counter-parts of such leases.

Power to lease out and work mines within the premises.

VI. And whereas the fines, customs, and services by and under which several of the tenants hold their farms, lands, tenements, and estates, lying and being within several of the said manors, are agreed, ascertained, or expressed in some articles, indenture, deed, or writing, now or late in the custody or power of some of the said tenants, who refuse to produce or shew the same, which if produced might be a means to prevent disputes, differences, and suits concerning the said fines, customs, and services, and for the quiet and benefit both of the lord and tenants; be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the attorney general of his Majesty, his heirs and successors, by his or their direction, to apply to his Majesty's court of exchequer at Westminster by motion in a summary way against any tenant or tenants holding any farms, lands, tenements, or estates, lying and being within the said manors, or any of them, of whose having in his, her, or their custody or power any such articles, indenture, deed, or writing probable evidence shall be shewed to the satisfaction

Method of obliging the tenants to produce writings relating to fines, &c.

faction of the said court, for such tenant or tenants to produce and shew forth the same; upon which motion it shall and may be lawful to and for the said court of *exchequer* to examine and enquire into the said matter, and to make such order or orders with respect to the producing and shewing forth any such articles, indenture, deed, or writing, by any such tenant or tenants appearing to the said court to have the same in his, her, or their custody or power, and with respect to any copy or copies to be had and made thereof, and such other order and orders concerning the same, as the said court shall think proper and just.

and to reduce
the rates of
mortgages.

VII. *And whereas it may be a considerable time before the said mortgages and incumbrances can be discharged by sale of a competent part of the said premises for that purpose, and the interest of the principal money due thereon is partly at the rate of five pounds for one hundred pounds, and partly at the rate of six pounds for one hundred pounds for a year; and it will be a benefit to the said hospital for the said money to be at a less rate; be it therefore enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, his heirs and successors, by sign manual to authorize the commissioners or governors of the said hospital for the time being, or any seven or more of them, to agree with the respective mortgagees and incumbrancers of the said premises in the said last-mentioned act named, their executors, administrators, or assigns, or any of them, for any less rate or interest for the principal money due on their securities respectively, than the same is now at; and in case the said mortgagees and incumbrancers shall not so agree, then to agree with any other person or persons for the advancing money at any less rate or interest than aforesaid, for paying off the principal money due on the said mortgages and incumbrances, or any of them, upon the same being assigned unto such person or persons respectively so advancing such money.*

Provido.

VIII. *Provided always, That such assignments shall be made for the respective principal money only of the said mortgagors and incumbrances, or any of them, and for the interest of such principal money to grow due from and after the making of such assignments respectively; and that the said principal money and interest thereof in all such assignments shall be made payable at the end of six months at the farthest from the day of the making of such assignments respectively.*

Seven com-
missioners to
act.

IX. *And whereas it may be doubtful on the words of the said last-mentioned act, whether any lease can be good by virtue of the said act, unless executed by all the commissioners, which will be impracticable; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for his Majesty, his heirs and successors, by his and their sign manual to authorize and empower the commissioners and governors for the time being, or any seven or more of them, from time to time during the continuance of his Majesty's interest in the premises, to grant leases thereof, or of any part or parts thereof, in such manner, for such terms, and under such restrictions, as in the said last-*
mention-

mentioned act and in this present act are for that purpose expressed and contained, reserving the rents thereof to his Majesty, his heirs and successors, which rents shall be received and applied in the manner directed by the said last mentioned act.

X. And be it further enacted by the authority aforesaid, That this act, and every clause and matter therein, shall by all and every judge and judges and other person and persons be construed and adjudged as largely and beneficially in all courts of law and equity, and all other places, as can be for the ends and purposes herem expressed, and is hereby declared to be a publick act of parliament; and all judges and justices are hereby required to take notice thereof as such, without special pleading the same. Publick act.

XI. Saving always to the King's most excellent majesty, his heirs and successors, all such right, title, estate, interest, claim, and demand of, in, unto, or out of the said premises, or any part thereof, as his Majesty, his heirs or successors, might have had or been intitled unto, in case this act had never been made (other than and except such right, title, estate, interest, claim, and demand, as was or is vested in his Majesty, his heirs and successors, by virtue of the several attainders herein before-mentioned, or either of them, or of the said recited acts of parliament, or any of them; and other than and except such right, title, estate, interest, claim, or demand, which his Majesty, his heirs and successors, hath or may have in or to such part or parts of the said premises, which shall be sold pursuant to the directions of this act) any thing herein contained to the contrary in any wise notwithstanding. His Majesty's,

XII. Saving also to the said several mortgagees and incumbrancers in the aforesaid act of the eighth year of his present Majesty named (till they shall be paid off as aforesaid) and to all and every other person and persons, bodies politick or corporate, their heirs, successors, executors, administrators, and assigns, all such right, title, estate, interest, claim, and demand of, in, unto, or out of the said premises, or any part thereof (except such part or parts of the said premises which shall be sold pursuant to the directions of this act) as they or any of them might have had or been intitled unto, in case this act had never been made; any thing herein contained to the contrary notwithstanding. nor the claim-
ants rights in
the premises,
hereby pre-
judiced.

CAP. XXXI.

An act to indemnify persons who have omitted to qualify themselves for offices, or to read the prayers and make the declarations and subscriptions required within the respective times limited by law; and for allowing further time for those purposes. Act 13 Eliz.
c. 12.
Act 13 & 14
Car. 2. c. 4.

Persons qualifying themselves according to the said acts by 28 Nov. 1738, and taking the oaths of office by 1 Aug. 1738. indemnified. All persons required by law to read the articles of religion, and the prayers, indemnified, if they do so by 24 Dec. 1738. This act not to restore persons to places already forfeited. EXP.

C A P. XXXII.

An act for enlarging the time granted by an act passed in the third year of the reign of his late majesty King George, intituled, An act for enlarging the time granted by an act passed in the eighth year of the reign of her late majesty Queen Anne, intituled, An act for making a convenient dock or bason at Liverpool, for the security of all ships trading to and from the said port of Liverpool; and for enlarging the same, by making an additional dock, and building a pier in the open harbour there; and for enlightening the said dock.

Preamble reciting the act
8 Anne, c. 12.

WHEREAS by an act made and passed in the eighth year of the reign of her late majesty Queen Anne, intituled, An act for making a convenient dock or bason at Liverpool for the security of all ships trading to and from the said port of Liverpool, the mayor, aldermen, bailiffs, and common council of the borough of Liverpool, were impowered to make a wet dock or bason, with wharfs, sluices, and canals, in and upon a certain piece or parcel of ground in the said act mentioned, which had been appointed and set apart by an order of the said common council for that purpose, and certain rates, tonnage, keelage, and duties upon all ships, vessels, barks, or lighters (except the Queen's ships of war and others employed in her then Majesty's service) trading or coming into or out of the said port of Liverpool with any goods or merchandise, were by the said act granted or directed to be levied and paid to the said mayor, aldermen, bailiffs, and common council for the time being, and their successors, or to their collectors or deputies, to be from time to time appointed, for the term of twenty one years, from the twenty fourth day of June, one thousand seven hundred and ten, and to be applied for the building and repairing the said new dock or bason, and other works in and about the same, and for securing preserving amending and maintaining the said dock or bason and harbour of Liverpool, and to no other use or purpose whatsoever; and the said mayor, aldermen, bailiffs, and common council for the time being, and their successors, were thereby impowered, by indenture under their common seal, to convey or assure the duties granted by the said act, as a security for any sum or sums of money by them to be borrowed for the ends and purposes of the said act, to any person or persons that should advance such sum or sums of money upon such security, which money so to be borrowed was thereby directed to be employed for and towards the building and erecting the said dock or bason, and other works for the securing, preserving, and amending the said dock or bason; but the duties granted by the said act should not be at any time conveyed and made a security for or charged with any greater or farther sum than six thousand pounds: and it was by the said act further enacted, That from and after the said term of twenty one years, and so long as the said dock or bason and other works should be continued or kept up, there should be paid to the said mayor, aldermen, bailiffs, and common council for the time being, and their successors, not exceeding one fourth part of the rates and duties therein mentioned,

mentioned, to be collected, levied, paid, and accounted for, in the same manner, and under the penalties and forfeitures therein also mentioned and provided, for the collecting, levying, paying, and accounting for the rates and duties first mentioned in the said act; and it was also thereby enacted, That there should be nine commissioners to inspect the accounts of all the collections, receipts, and disbursements of all such monies as should be collected and levied by virtue of the said act, whereof three were to be nominated yearly by the mayor, aldermen, bailiffs, and common council of the said borough of Liverpool, in common council assembled, other three to be in like manner nominated and appointed by the justices of peace for the county of Lancaster at the sessions held at Ormeskirk, and other three to be in like manner nominated by the justices of peace for the county palatine of Chester, at their several and respective sessions held yearly after Easter; which said commissioners so nominated, or any five of them, were thereby authorized, from time to time, giving due notice, to call before them the collectors, receivers, and others, who had been or should be intrusted with the receipt, collection, and employment of the monies received and collected in pursuance of the said act, who should be required to render such accounts to the said commissioners, or any five of them; and the said commissioners were thereby empowered to order and appoint all such monies which should rest due on such account, to be laid out and expended to and for the uses and purposes in the said act mentioned, and to and for no other use whatsoever: and whereas by another act of parliament made and passed in the third year, Geo. 1. not of the reign of his late majesty King George the First, for enlarging printed. the time granted by the said act passed in the eighth year of the reign of her said late majesty Queen Anne, all and every the sum and sums of money, rates, tonnage, keelage, and duties granted and directed to be levied by the said first recited act; and all the clauses, powers, provisions, penalties, forfeitures, and exceptions therein mentioned, concerning the collection and payment of the said duties, and management of the said dock or basin, and other works, were continued and enacted, and declared to be in force, from and after the expiration of the said term of twenty one years (for which the same were granted by the said former act) for and during, and unto the full end and term of fourteen years from thence next ensuing, and fully to be compleat and ended; and it was by the said act of the third year of his said late Majesty's reign enacted, That all and every sum and sums of money to be collected and received by virtue of the said last mentioned act, and the said former act, should be appropriated and employed, as well towards satisfying, paying, and discharging all and any sum and sums of money borrowed, advanced, or received by the said trustees, over and above the said sum of six thousand pounds, as for and towards carrying on, compleating, and finishing the said dock or basin, and all other works in and about the same, and erecting and placing such proper land marks, buoys; and other directions at the mouth and entrance into the said harbour, as by the said mayor, aldermen, bailiffs, and common council of the borough and corporation for the time being, should be thought needful or proper; and that after the expiration of the said term of fourteen years, the fourth part of the said duties granted

granted in and by the said former act should commence and take place, and not before; and the mayor, bailiffs, and burgeses of the said borough and corporation for the time being were by the said last recited act impowered, by indenture or other writing under the common seal of the said borough and corporation, to convey and secure, as well all such of the duties granted by the said former act for the said term of twenty one years as were not then conveyed, as also the duties continued and granted by the said act of the third year of his said late Majesty, as a security for any sum or sums of money to be borrowed for the ends and purposes of the said several acts, to any person or persons that should advance such sum or sums of money upon such security, so that the duties thereby granted should not at any time be charged with a greater or further sum than four thousand pounds: and whereas the said dock or bason hath been made, finished, and perfected, pursuant to the directions of the said recited acts, and made capable of taking, receiving, and harbouring a considerable number of ships, which has tended to the increase of navigation, and improvement of trade, within the said town and port of Liverpool; and in order to enable the trustees to finish and compleat the said dock or bason, they borrowed and took up upon the credit of the said recited acts, several sums of money, and there now remains due to the persons who advanced and lent the same on that account, the principal sum of four thousand eight hundred and thirty pounds at interest: and whereas by reason of the straitness of the entrance into the said dock or bason from the open harbour of Liverpool, the navigation into and from the said dock or bason is greatly obstructed, and ships and vessels lying in the said dock or bason are frequently prevented from getting out to sea, and ships and vessels lying in the harbour without the said dock or bason, are frequently forced on shore and lost, to the great damage of the merchants and owners of ships, and the trade of the said town and port of Liverpool: and whereas in case the said dock or bason was enlarged, and a pier erected and built in the open harbour of Liverpool, on the north side of the entrance into the said dock or bason, such losses, mischiefs, and inconveniencies might in a great measure be prevented, and the harbour be rendered more safe and commodious for the lying, lading, and unlading of ships and other vessels resorting thereto, or trading within the said port; and the mayor, aldermen, bailiffs, and common council of the said borough and corporation of Liverpool have agreed to grant another piece of ground, containing seven acres, or thereabouts, parcel of the ground belonging to the said corporation, adjoining to the entrance into the said wet dock or bason on the north and south sides of such entrance, wherein such pier and additional dock may be made and erected, to be held, used, applied, and enjoyed for that purpose for ever; and have also agreed to lay out, apply, and advance out of the common stock of the said corporation the sum of one thousand pounds, for accomplishing so necessary and useful a work: but as the rates and duties arising by virtue of and under the said recited acts, and the sum so agreed to be contributed and advanced by the said corporation, will not be sufficient to answer the expences of such new works, and discharge the debt due on the securities made in pursuance of the said former acts, a design so useful and beneficial to the said town

town and port of Liverpool and to the trade and navigation of the kingdom cannot be effected and carried into execution, unless the said former acts, and the terms, rates, and duties thereby granted and continued be enlarged, and other provisions made for the purposes before mentioned; may it therefore please your most excellent Majesty, that it may be enacted, &c.

Continuation of the acts 8 Ann. and 3 Geo. I. Duties assignable for money borrowed: 12 Commissioners appointed. The dock to be kept in repair by a fourth of the rates. Corporation impowered to purchase ground, &c. by agreement with the owners, or, by determination of a jury; and the corporation to give final judgment thereon. On payment of the monies, the corporation to be indemnified for using the grounds, &c. Lamps to be set up about the dock, and charged upon the rates.

CAP. XXXIII.

An act for repairing the roads from the town of Loughborough in the county of Leicester, to the town of Derby in the county of Derby; and from the said town of Derby to the town of Brassington, in the said county of Derby; and from the said town of Derby, through the town of Ashborne in the said county of Derby, to Hurdloe House in the parish of Hartington in the said county.

Certain tolls are granted from 24 June, 1738, for 21 years. Continued by 17 Geo. 2. c. 20.

CAP. XXXIV.

An act for the effectual draining and preservation of certain fens called Cawdle Fen, Waterden, and Redmoor, and one piece of fen ground called the Holts, in the Isle of Ely in the county of Cambridge.

WHEREAS certain fens and low grounds, lying and being in Ely, within the isle of Ely and county of Cambridge, and within the great level of the fens called Bedford Level, containing in the whole eight hundred and fifty acres, or thereabouts, and hereafter mentioned and described: that is to say, all that fen called Cawdle Fen, containing three hundred and thirteen acres, or thereabouts, beginning from the river Owze next a farm called Braham Farm, and from thence all along under Cawdle Fen Drove, to Stonebridge, and from thence to Gentsbridge, including the Holts, and from thence to the bank next the said river Owze up to the said farm called Braham Farm (excluding the hill-piece of Mr. Needham's heirs, called the Brick-kiln Grounds, containing five acres) and all that fen called Waterden Fen, containing two hundred and ninety four acres, or thereabouts, beginning next Turbesey Farm from Sandys's Cut up to the Milking Hill, and from thence all along the Drove Way under New Barnes Farm to Clayway Drove, and from thence to Clayway House, along Sandys's Cut, up to the said Turbesey Farm (excluding four acres of ground belonging to William Cole esquire, at Thistley Corner next the Milking Hill, and two acres of ground more belonging to Mr. Robert Lightfoot, lying next the ground of the said William Cole, and two acres of ground more belonging to Thomas Buttey, lying next the ground of the said Robert Lightfoot, and two acres of ground more belonging to the said

Robert

Robert Lightfoot, lying next the ground of the said Thomas Buttey, and four acres of ground more belonging to Mr. William Cavthorne, lying next the last mentioned ground of the said Robert Lightfoot, and four acres of ground more belonging to Mr. Thomas Aungier, abutting on New Barnes Farm) and all that fen called Redmoor Fen, containing two hundred and forty five acres, or thereabouts, beginning from Sandys's Cut next Clayway Drove, up to the Drove Way under New Barnes Farm, up to Chettisham Field, along another Drove Way leading up to the king's highway under Woodhouse Farm, and from thence to Mr. Henry Morley's kiln-docking, down to Sandys's Cut, up to Clayway Drove (excluding the two high grounds belonging to Kettleworth Farm) have for some years last past been, and still are, overflowed with waters through the defect of their outfalls to the sea, by which means the same are in danger of being utterly lost, to the great damage and impoverishment of the owners of such grounds: and whereas, notwithstanding the powers and provisions now in force for draining and keeping dry the same by and under an act of parliament made in the fifteenth year of the reign of King Charles the Second, intituled, An act for settling the draining of the great level of the fens called Bedford Level, the said fen grounds cannot be preserved without the further aid of parliament, to enable the owners and proprietors of the said fen lands and grounds to preserve and keep the same drained for the future, by which means great benefit will not only accrue to the publick, but much profit to the owners of the said fen lands and low grounds; be it enacted, &c.

35 Car. 2.
c. 17.

Commissioners authorized to cut drains through, and erect works on, the fens for draining them, making satisfaction for damages. Commissioners to assist the owners of the fens. Duties assignable for interest borrowed, at interest not exceeding 5 l. per cent. per annum. Commissioners not to act, unless owners of 72 acres of the said fens. Commissioners not to interfere with the works of the conservators of Bedford Level; nor to obstruct the navigation of the river Ouse.

CAP. XXXV.

An act for the better enlightening the open places, streets, lanes, passages, and courts, and for the better regulating the nightly watch and bevels, within the parish of Christ Church in the county of Middlesex.

WHEREAS the enlightening the open places, streets, lanes, passages, and courts, and keeping a sufficient and well regulated watch in the night time, within the great and populous parish of Christ Church in the county of Middlesex, will be of great importance, and tend not only to the preservation of the persons and properties of the inhabitants thereof, but for the common safety and benefit of all other persons resorting to and from the market kept within the said parish, and all other persons whose affairs oblige them to pass and repass through the same, and very necessary to prevent, as well the mischiefs which may happen from fires, as murders, burglaries, and other outrages and disorders: and whereas by the laws now in being no effectual provision is made for the enlightening the said streets and other

other places, or for the establishing, ordering, or well-governing of such a nightly watch, or compelling of the constable or headboroughs to do his or their duty, by watching in their several turns, or for buying and collecting any sums of money for defraying the necessary charges thereof or for enforcing a due application and just account of any money so levied and collected for that purpose; for remedy of the aforesaid inconveniences, may it please your most excellent Majesty, that it may be enacted, &c.

The vestry to appoint a proper number and sort of lamps, &c. and to make regulations and contracts. Copies of such regulations to be delivered to the constables, &c. Vestry empowered to make a pound rate on the inhabitants, to be collected quarterly or half-yearly. The same not to exceed 8d. per pound. Persons aggrieved may appeal to quarter sessions. Persons paying these rates, &c. not to gain any settlement. Books of account to be kept by the vestry-clerk; and to be inspected by any inhabitant gratis. Penalties on breaking or damaging lamps. Justices empowered to hear and determine offences against this act. Persons paying the rates exempt from the penalties of the act s. W. & M. c. 8. in relation to hanging out lights, and from watch and ward.

CAP. XXXVI.

An act for enlarging the terms and powers granted by two acts of parliament, one of the fourth, and the other of the sixth year of the reign of his late majesty King George the First, for repairing the roads from the Stones End in Kent Street, in the parish of St. George in Southwark in the county of Surrey (leading to the Lime Kilns in East Greenwich) to the first Mill pond at South End, in the parish of Lewisham in the county of Kent; and for amending the road from Westminster Ferry at Lambeth, in the said county of Surrey, to New Cross in Deptford in the said county of Kent; and for amending and making the said acts more effectual; and for amending the roads from the Lime Kilns aforesaid to the town of Dartford in the said county; and from a place called Saint Thomas a Waterings, in the said parish of Saint George, to the Stones End, in Bermondsey Street in the said county of Surrey.

The tolls &c. 6. Geo. 1. c. 26. are further continued for 38 Years. Continued by 25. Geo. 2. c. 51.

CAP. XXXVII.

An act for enlarging the term and powers granted in and by an act made in the tenth year of her late majesty Queen Anne, for enlarging, amending and maintaining the road between Northfleet, Gravesend and Rochester, in the county of Kent; and also another act made in the eleventh year of his late majesty King George the First, for enlarging the term granted by the said former act, and for other purposes therein mentioned; and for explaining and amending the said acts; and also for repairing the highway from Northfleet aforesaid to Dartford in the said county.

The tolls are further continued for 21 years.

CAP. XXXVIII.

An act for vesting the real and personal estate of Hugh Nash Esquire, who was late a prisoner in his Majesty's prison of the Fleet, and escaped out of the same, in trustees, for the benefit of his creditors.

CAP. XXXIX.

An act to enable the adventurers, owners and proprietors of the Taxable Lands, and the owners and proprietors of the Free Lands, in Deeping Fens and other fens in the county of Lincoln therein mentioned, to raise a competent sum of money for the effectual draining and future preservation of all the said fens, according to their agreement in that behalf, and to carry the said agreement into execution, and for the other purposes therein mentioned.

Preamble reciting the act 16 & 17 Car. 2. c. 11.

WHEREAS by an act of parliament made in the sixteenth and seventeenth years of the reign of his majesty King Charles the Second, intituled, An act for draining of the fen called Deeping Fen, and other fens therein mentioned, Edward then earl of Manchester, and other honourable persons therein named, their heirs and assigns, and the survivors of them, were declared undertakers for the draining the said fens, in trust to and for such person and persons, and to such intents and purposes as are therein mentioned: which said fens are described by the said act to be in Holland and Kesteven in the county of Lincoln, and called or known by the names of Deeping Fen, Pinchbeck, and Spalding South Fen, Thurlby Fen, Bourn South Fen, and Croyland Fen, otherwise Gogguthland, and contain in the whole about thirty thousand acres; and one third part of the said fens, being ten thousand and thirty six acres, or thereabouts, thencefore allotted to Thomas Lovell esquire, therein named, his heirs and assigns, and five thousand acres more of the said fen lands afterwards added thereto as a recompence and satisfaction for the charges and expences which they had then before been at, and would be at, in and about the draining the said fens, were vested in the said trustees, their heirs and assigns, in trust, as to the said ten thousand and thirty six acres thereof now called the Taxable lands, to be conveyed by the said trustees to such person or persons, for such estate and estates, in such manner as Thomas earl of Berkshire, and others therein named, should appoint; and as for the said five thousand acres now called the Free Lands, in trust for the said earl of Berkshire, and others therein named, according to their respective interests therein; and all the said fen lands so vested in the said trustees as aforesaid, were by the said act to be fenced and inclosed by the said trustees, their heirs and assigns, against the lords and commoners of the residue of the said fens; and liberty was thereby given for the said lords and commoners to inclose and sever and hold in severalty such quantities of the rest of the said fens, as should be proportional to their respective interests therein, subject to the powers given by the said act to the said trustees for draining the said fens, as if those lands had remained common and uninclosed: and by the said act it was enacted, That it should and might be lawful to and for such person and persons, their heirs and assigns, or any three or more of them, being then a real owner of two hundred and fifty acres of the said lands or more within the said fen, to whom the said trustees, their heirs or assigns, should execute

execute any estate or estates of the said ten thousand and thirty six acres, or any part thereof, to be adventurers, and as adventurers under the said trustees, their heirs or assigns, in draining the said fens, at all times, and from time to time from thenceforth to hold meetings for such purposes as in the said act are more particularly mentioned; and to assess, rate, tax and charge all and every the owner or owners of the said ten thousand and thirty six acres of the said lands, by an equal and proportionable acre tax, for carrying on and effecting the said work, and to appoint the payment thereof at such times and places as they should direct; and in default of payment of such rates to sell so much of the defaulter's lands for payment thereof, as to them should seem meet, in such manner and form, and by such ways and means, as by the said act is in that behalf directed; subject nevertheless to the conditions and forfeitures contained in the said act: and whereas by one other act of parliament made in the twenty second year of the reign of his said majesty King Charles the Second, intituled, An act for settling the draining of the fens in Lincolnshire called *Deeping fens*; the meetings of the said undertakers so qualified as aforesaid were appointed to be held for ever thereafter at the town of Spalding, on the Thursday next after the second Sunday in April yearly, for laying the said tax, and the time for payment thereof was appointed to be on the tenth day of October then next following; and if the same should not be paid on or before the tenth day of November then next following, then the same with the penalty thereby to be imposed (not exceeding the third part of the said tax) should be levied by sequestration and sale of the lands of the defaulters, at such time and in such manner, as by the said act is directed, and that no tax for draining or preserving the said fens should at any time thereafter be taxed or levied at any other time, or in any other manner than as aforesaid: and whereas the said ten thousand and thirty six acres, and the said five thousand acres of the said lands, have been long since fenced and inclosed by the several and respective owners and proprietors thereof, according to the powers given by the said first recited act in that behalf; and the same and all the rest of the said fens, were long since drained and kept drained for some years; yet notwithstanding all the endeavours that have been used by the late and present owners and proprietors of the said taxable lands for many years, to preserve and keep all the said fen lands drained, the same have for several years last past been and now are so overflowed with waters through the defects of their outfalls to sea and other causes, that little or no profit can be made of them, to the great loss and damage of the owners and proprietors as well of the said free lands as taxable lands, and to the impoverishment of the commoners having right of common in the rest of the said fens, being about fifteen thousand acres, and for which said causes and reasons about four thousand acres of the said taxable lands have become forfeited for nonpayment of the draining taxes charged thereon, and may be sold by the said adventurers, or any three of them, so qualified as aforesaid, by virtue of the said several recited acts or one of them; and forasmuch as the said fens can never be made profitable, unless some new methods be taken to recover the same, and which according to a scheme and estimate made thereof will cost about fifteen thousand pounds

Act 22 Car.
2. not printed.

pounds; and forasmuch also as it is provided and enacted by the said first recited act, That if the said trustees therein named, their heirs or assigns, should not inn, drain, and keep dry the said fens, as by the said first recited act is directed, or should wilfully or negligently suffer the said fens and wastes, or the most part of them, to be again drowned and overflowed by the space of five years after the expiration of the time thereby limited for their inning and draining the said fens, and that the same shall be found and adjudged hurtfully surrounded through such default by such number of commissioners of sewers as are thereby appointed, and by such ways and means as are therein directed in that behalf; that then and from thenceforth the said trust of the said trustees of and in the said ten thousand and thirty six acres, and five thousand acres of the said lands, and all and every the estate and estates by them executed of all or any of those lands, shall cease, determine, and be utterly void to all intents and purposes whatsoever, and shall not be helped, altered or relieved by any course of law or equity; and that then and from thenceforth the said trustees, their heirs and assigns shall stand and be seized of all such the said lands, in trust to permit and suffer the commissioners of sewers for the places therein named to take the whole rents issues and profits thereof, to be laid out and expended for regaining the said fens, and for other the purposes therein mentioned; and to make and execute such estate or estates thereof as shall be directed and appointed by such number of the said commissioners, and in such manner as is thereby directed: therefore for preventing the loss of such the said taxable lands and free lands, and for the preservation of the estates and interest therein of the several owners and proprietors thereof, and for the recovery and future preservation of all the said fens, the greater part of the owners and proprietors of the said free lands, in number of persons and quantity of land, have come to an agreement in writing with the said owners and proprietors of the said taxable lands, by deed poll bearing date the twenty third day of February, in the year of our Lord one thousand seven hundred and thirty seven, to join with the said owners and proprietors of the said taxable lands in making application to parliament, to obtain an act to enable them to raise the said sum of fifteen thousand pounds for the effectual draining and future preservation of all the said fens by such ways and means, and upon such terms and conditions, as are set forth in the said agreement, and to carry the said agreement into execution, and make the same binding upon all parties, in such manner as by the said agreement is ascertained and provided; which said agreement is as follows; that is to say,

Agreement of the proprietors of the taxable and free lands.

WHEREAS the owners and proprietors of certain lands called *The Free Lands*, containing in the whole five thousand acres or thereabouts, lying and being in *Holland and Kesteven*, in the county of *Lincoln*, called *Deeping Fen*, *Pinchbeck*, and *Spalding South Fen*, *Thurlby Fen*, *Bourn South Fen*, and *Crowland Fen*, and who have executed these presents, and who are the greater part of the owners of the said free lands, in number of persons, and quantity of acres, from the frequent representations made to them by the adventurers, owners and proprietors

prietors of the lands in the said fens called *Taxable Lands*, containing in the whole ten thousand acres, or thereabouts, and by long experience, have found, that notwithstanding the great expence which the said adventurers, and owners of the said taxable lands, and those under whom they claim an interest therein, have been at, and the great endeavours which have been used by them respectively, to keep that whole level drained, being in the whole about thirty thousand acres of fen land, the said adventurers, owners of the said taxable lands, have not been able so to do, by reason of the many accidents and misfortunes they have so often met with, and other causes which prevented them therein, and for which reasons and causes the whole level has for many years past been so frequently drowned, that very little or no profit could be made thereof, to the great loss of all, and impoverishment of many, of the proprietors of the said level, and by which means about four thousand acres of the said taxable lands are now become forfeited and vested in the adventurers or proprietors of the said taxable lands for non-payment of the draining taxes chargeable thereon pursuant to and by virtue of two several acts of parliament made in the reign of his late majesty King *Charles* the Second, for draining the said fens; and that the said level can never be made profitable, unless some new methods be taken to recover and secure the same; and it having been computed by skilful and able engineers employed for that purpose, that it will cost at least fifteen thousand pounds to recover and regain the said level according to the scheme and estimate made thereof; and the owners of the said free lands, who have executed these presents, being fully satisfied that the said level cannot be regained and secured without a great expence, which cannot be raised on the said taxable lands alone, have therefore readily consented, That the sum of five thousand pounds, part of the said fifteen thousand pounds, shall be raised by an acre rate of twenty shillings an acre upon the said free lands for such the purposes aforesaid, in case an act of parliament shall be obtained to enable them and the rest of the said owners of the said free lands to raise the same; and the said adventurers, owners and proprietors of the said taxable lands, who have also executed these presents, and by their constitution under the said several acts of parliament are a sufficient number to treat with the said owners of the said free lands, and by their acts to bind the rest of the owners of the said taxable lands who shall not execute these presents, have also consented, That the sum of six thousand pounds, other part of the said fifteen thousand pounds, shall be raised by a like acre tax of twenty shillings *per* acre, to be laid on the said six thousand acres of the said taxable lands, and as by the said two several acts of parliament they are empowered to do; and that as the said five thousand pounds, and six thousand pounds shall be raised, the same shall be laid out and expended for the purposes herein after mentioned; and that when both those sums shall have been raised, then and not before the said four thousand acres of the said taxable lands, which

have been already forfeited for non-payment of the taxes chargeable thereon, and are thereby become vested in the said adventurers, and other the said taxable lands which shall become forfeited, and as the same shall become forfeited from time to time, shall be sold for the most money that can be got for the same; and the said five thousand pounds, and six thousand pounds, and the money arising by such sale, and the rents and profits of the said forfeited lands in the mean time, as far as the same will reach to make up the said fifteen thousand pounds, shall be applied for the perfecting the draining the said level, and for the maintenance and future preservation thereof, and of the banks, drains, sluices, and other works thereof, according to the said scheme and estimate thereof as aforesaid: therefore we the proprietors of the said free lands, whose hands and seals are hereunto subscribed and set with the respective quantities of lands appearing against the same, do hereby voluntarily and freely agree to join with the said owners of the said taxable lands, in applying to parliament for an act to enable us and the rest of the owners of the said free lands who shall not have executed these presents, or who by reason of their incapacity or other disabilities in law cannot join herein, to raise and pay into the hands of Sir *Francis Whitchcote* baronet, treasurer, or his deputy, or the treasurer or his deputy for the time being, of the said taxable lands, the said sum of five thousand pounds, in the shares and proportions herein after mentioned, whensoever such act of parliament shall be obtained as aforesaid; that is to say, thirteen shillings and four pence *per* acre, part thereof, on or before the twenty fourth day of *June* next after the commencement of the said act, three shillings and four pence more, other part thereof, on or before the twenty fourth day of *June* next ensuing the said time so limited for the said payment of the said thirteen shillings and four pence *per* acre, and the remaining three shillings and four pence, on or before the twenty fourth day of *June* next ensuing the said time so limited for the said payment of the said first-mentioned three shillings and four pence *per* acre; and we the owners and proprietors of the said taxable lands, whose hands and seals are also hereunto subscribed and set with the respective quantities of land appearing against the same, do hereby agree, That (in case such act of parliament as aforesaid shall be obtained) a tax of twenty shillings *per* acre shall be laid on the said six thousand acres of the said taxable lands, at our publick meeting to be held pursuant to the said acts of parliament herein before-mentioned next after the commencement of the said act of parliament so to be obtained as aforesaid, for raising the said sum of six thousand pounds upon the said six thousand acres of taxable lands, and that as the same shall be raised, the same shall be paid to the said Sir *Francis Whitchcote* treasurer, or his deputy, or the treasurer or his deputy for the time being, of the said taxable lands, at the like times, in the like portions, and for the like purposes, as the said five thousand pounds is agreed to be raised and paid by the said free land owners. And it is hereby

hereby further agreed by all the parties to these presents, That as the said several sums of five thousand pounds, and six thousand pounds shall be so raised as aforesaid, the same shall from time to time be issued, paid, and applied for the draining the said fens according to the said scheme or estimate above-mentioned, in such manner as the majority of the owners of the said free lands, and the majority of the owners of the said taxable lands, according to their respective quantities of acres, who shall be present at such the said publick meeting to be held as aforesaid, or the attorney or attorneys lawfully constituted in that behalf of such of the said owners, as well of the said free lands as taxable lands, who shall be then absent, shall order and direct; and such application and payment of the said money pursuant to such order or appointment, shall be a full and effectual discharge to the treasurer or his deputy for the time being, his and their heirs, executors, and administrators, for the sums he or they shall so issue: and forasmuch as some few of the proprietors of the said free lands, to the amount of about one thousand acres, cannot, by reason of their incapacity or other disabilities in law, join in this agreement, and for that also the owners of the said free lands have not any power to raise and levy the said acre rate so agreed to be raised by them as aforesaid; it is therefore agreed, That an humble application shall be made to parliament, to obtain an act to empower the said owners of the said free lands to raise the said acre rate upon all their said lands, by such ways and means as shall be thereby provided; and to carry this agreement into execution, and make the same binding on all parties to be benefited thereby, and to reimburse such person or persons who shall be minded to advance and pay the shares and proportions of such the said proprietors of the said free lands as are under such incapacities or disabilities as aforesaid, all such monies as shall be advanced and paid by such person or persons as aforesaid to the said treasurer, or his deputy for the time being, for the share and proportion of such the said proprietors of the said free lands under such incapacity or disability as aforesaid, out of the yearly profits of the lands of such of the said proprietors, and not otherwise, until such monies, with legal interest, shall be fully satisfied and repaid; any thing aforesaid to the contrary thereof notwithstanding; it being intended that such the shares and proportions of such persons under such incapacities or disabilities as aforesaid shall be raised upon the credit of such provision to be made by the said act in that behalf, rather than a work of so much consequence to the publick should be delayed or frustrated for want thereof. In witness whereof we the said owners and proprietors of the said free and taxable lands have hereunto set our hands and seals, with our respective quantities of land, as well free as taxable, against our respective names, the twenty third day of February, one thousand seven hundred and thirty seven.

Free Lands :

Eleven hundred and fifty one acres, *Rutland*; five hundred and fifty acres, *C. Bertie*; five hundred and thirty two acres, *Weyman Lee*; two hundred and eighty five acres, *Sam. Horne*; five hundred and thirty two acres, for my daughter *Eva Weyman*, *Mary Weyman*; seventy five acres, *Will. Sharman*.

Taxable Lands :

Three hundred and forty acres, *Wm. Newland*; five hundred and six acres, *C. Bertie*; two hundred and fifty acres, *Alexander Wilson*; one hundred and twenty acres, *Sam. Horne*; four hundred and twenty two acres, *William Perry*; two hundred and seventy acres, for *Jacob Preston* esquire, *Sam. Horne*; one hundred and six acres, *White Kennett*; five hundred acres, *William Fortrey*; nine hundred seventy two acres, three roods, *James Fortrey*; sixty three acres, *Charles Bletso*; three hundred forty six acres, *Fr. Whichcote*; two hundred and sixty one acres, *John Hurn*; three hundred and forty six acres, *John Blackwell*; sixty acres, for my mother *Alice Figg*, *Will. Sharman*; forty five and a half acres, *J. Hepburn*; forty acres, *Esßer Gates*; for a third part of two hundred and fifty eight acres, with two decoys, *Robt. Beaver*; thirty acres, *T. Norton*; one hundred and six acres, *J. Raymond*.

Sealed and delivered by his grace the duke of *Rutland*, &c.

The said agreement valid in law. The acre rate to be levied on defaulters by distress and sale. For want of distress defaulters lands to be sold. The power of the commissioners of sewers Com^r Lincoln, not hereby lessened. The said lands exempted from other payments. The tax on forfeited lands to be raised by the like means as upon the other lands. This act not to prejudice the earl of Exeter.

Anno duodecimo GEORGII II. Regis.

a Tent. primo die Febr. Anno regni, &c. duodecimo; continuat. usque ad et in Jovis, xvum diem Novemb. Anno regni, &c. xliii. In Recordo.

AT the parliament begun and bolden at Westminster, the fourteenth day of January, Anno Domini one thousand seven hundred and thirty four, in the eighth year of the reign of our sovereign lord George II. by the grace of God of Great Britain, France and Ireland, King, defender of the faith, &c. And from thence continued by several prorogations to the first day of February, one thousand seven hundred and thirty eight. Being the fifth session of this present parliament.

CAP. I.

An act for continuing the duties upon malt, mum, cyder and perry, in that part of Great Britain called England; and for granting to his Majesty certain

certain duties upon malt, mum, cyder and perry, in that part of Great Britain called Scotland; for the service of the year one thousand seven hundred and thirty nine. Exp.

CAP. II.

An act for punishing mutiny and desertion; and for the better payment of the army and their quarters. Exp.

CAP. III.

An act for granting an aid to his Majesty by a land tax to be raised in Great Britain, for the service of the year one thousand seven hundred and thirty nine. Exp. 2 s. in the pound.

CAP. IV.

An act to enable the inhabitants of the parish of Saint Nicholas in the city of Worcester, to raise money for discharging the debts they have contracted in rebuilding their parish church.

WHEREAS the inhabitants of the parish of Saint Nicholas in the city of Worcester have borrowed and taken up at interest several sums of money, to compleat and finish their parish church (which hath been lately rebuilt) amounting in the whole to the sum of one thousand two hundred pounds (the whole expence of the said building amounting to the sum of three thousand three hundred and forty five pounds, and upwards) eight hundred pounds, part of the said one thousand two hundred pounds, being borrowed at common interest; and four hundred pounds the residue thereof, being advanced by Dorothy Bagley of the city of Worcester, spinster, and paid to the said parishioners, in consideration of an annuity of forty pounds a year for her life: but the said Dorothy Bagley hath lately agreed with the said parishioners to reduce the said annuity, and to accept of an annuity of thirty two pounds a year, during her life, for the said four hundred pounds; which the said parishioners, by their parish order, have agreed to pay: and the principal inhabitants of the said parish being desirous that the said sum of eight hundred pounds, and the interest due thereupon, and also the said annuity of thirty two pounds to the said Dorothy Bagley, and the arrears thereof, should be satisfied and paid, &c.

CAP. V.

An act to continue the duties for encouragement of the coinage of money.

May it please your most excellent Majesty,

WHEREAS great benefit and advantage did accrue to England by one act of parliament passed in the eighteenth year of the reign of his majesty King Charles the Second, intituled, An act for encouraging of coinage, and continued by another act made in the twenty fifth year of the reign of his said majesty King Charles, intituled, An act for continuing a former act concerning coinage; both which said acts were revived by an act made in the first year of the reign of his Majesty King James the Second, and were

Preamble, reciting the former acts for the encouragement of coinage, 18 Car. 2. c. 5.

continued by an act made in the fourth year of the reign of King William and Queen Mary of glorious memory, and were further continued by an act made in the twelfth year of the reign of the said late King William, and were further continued by an act made in the seventh year of the reign of her late majesty Queen Anne of blessed memory, and then extended to Scotland, and were further continued by act made in the first year of the reign of his late majesty King George the First of glorious memory, to be in force for seven years, from the first day of March, one thousand seven hundred and fifteen, and until the end of the first session of parliament then next following; and were further continued by another act made in the ninth year of his said late Majesty's reign for seven years, from the first day of March, one thousand seven hundred and twenty three, and until the end of the first session of parliament then next following; and were further continued by another act made in the fourth year of the reign of his present Majesty, for seven years, from the first day of March, one thousand seven hundred and thirty, and until the end of the first session of parliament then next following: so that unless the said act be continued, the encouragement given thereby will cease, and this kingdom be deprived for the future of so great a good as it hath for many years last past enjoyed; now we your Majesty's most dutiful and loyal subjects the commons of Great Britain in parliament assembled, do give and grant unto your Majesty the rates, duties, and impositions herein after-mentioned, for and during the term and time herein after expressed, and do humbly pray, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That such and the like rates, duties, and impositions, as by the said act of the eighteenth year of King Charles the Second were granted, and by the said subsequent acts were continued, for and upon the importation of wines, vinegar, cyder, and beer, during the respective terms and times therein mentioned, shall be further continued, and be paid and payable to his Majesty, his heirs and successors, for and upon all wines, vinegar, cyder, and beer, which shall be imported or brought into Great Britain within or during the space of seven years to commence from the first day of March, one thousand seven hundred and thirty eight, and until the end of the first session of parliament then next following, and no longer; and that all the said former acts, and all other acts of parliament concerning coinage, and every of them, and every clause, article, and sentence in them or any of them contained, now being in force, shall be and are by virtue of this act continued, and shall be in force, and be duly put in execution for and during all such time and term as are before-mentioned, as fully and effectually as if the same were particularly repeated and re-enacted in the body of this present act; any former law, statute, provision, matter, or thing whatsoever, to the contrary notwithstanding.

II. And to the end the importers of gold and silver into the mints of England and Scotland respectively may not be discourag-
ed

Coinage du-
ties continued
for 7 years.
Continued by
27 Geo. 2. c. 11.

ed by any deficiency of the revenue by this act settled for defraying the coinage thereof; be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners of the treasury, or any three or more of them now being, or the lord high treasurer, or any three or more of the commissioners of the treasury for the time being, and they are hereby impowered and directed, out of the monies arising by this act, or out of any other publick supplies granted or to be granted by parliament, to cause so much money to be applied as shall be necessary for defraying the expences of the said mints of *England* and *Scotland* respectively, by way of imprest, and upon account for that service; so as the same, together with the coinage duties arising by this act, do not exceed in any one year the sum of fifteen thousand pounds; and so as the said monies be issued out of the exchequer of *Great Britain* to, not exceeding 15,000 l. per annum. the master of the mint in *England*, and the master of the mint in *Scotland* respectively, for the said purposes.

CAP. VI.

An act to indemnify persons who have omitted to qualify themselves for offices and employments within the time limited by law, and for allowing further time for that purpose. EXP.

CAP. VII.

An act to enable the parishioners of the parish of Ealing, in the county of Middlesex, to raise money by rates upon themselves for finishing the church of the said parish.

WHEREAS the parish church of Ealing, in the county of Middlesex, becoming ruinous and irreparable, the parishioners (who are very numerous) were obliged to assemble for divine service in a slight timber tabernacle, built by voluntary contributions, which is also now become ruinous, and not capable of containing all the inhabitants of the said parish; and that soon after the said tabernacle was erected, the steeple and roof of the said parish church fell down, and in order to rebuild the said church and steeple, and to make the said church commodious, a brief was obtained, whereby, and by subscriptions, the sum of one thousand five hundred pounds, or thereabouts, was raised, and the same hath been duly laid out and applied in erecting a shell of the said church, and rebuilding the said steeple; and whereas the parishioners of the said parish are unable to discharge a debt remaining due to such workmen as were employed in rebuilding the said church and steeple, and to defray the expence of erecting and making convenient pews, and also to finish and compleat the inside of the said church with necessary and decent ornaments, and to cast the old, or provide new bells, without the aid and assistance of an act of parliament, &c.

CAP. VIII.

An act for repairing the road between Stamford and Grantham, in the county of Lincoln.

Certain tolls are granted from 24 June 1739, for 21 years. Continued by 24 Geo. 2. c. 3.

CAP. IX.

An act for applying a sum of money, given by the will of Daniel Wiseman esquire, deceased, for finishing the new church at Woolwich in the county of Kent; and for raising an annuity by an assessment on the parish of Woolwich, during the lives of Mary Wiseman and Elizabeth Crouch, and the life of the survivor of them, pursuant to the said will.

Preamble, re-
citing the act
5 Geo. 2. c. 4.

WHEREAS by an act of parliament made in the fifth year of the reign of his present Majesty, intituled, An act for rebuilding the parish church of Woolwich in the county of Kent, as one of the fifty new churches directed to be built by two acts of parliament, one made in the ninth, and the other in the tenth year of the reign of her late Majesty Queen Anne, it was enacted, That the said church should be rebuilt as one of the fifty new churches directed to be built by the said two acts of parliament: and the commissioners for building the said fifty new churches were thereby impowered and required to pay, or duty cause to be paid, out of the fund appropriated for building or endowing the said fifty new churches, the sum of three thousand pounds, on or before the twenty fourth day of June, one thousand seven hundred and thirty two, into the hands of their treasurer, to be disposed of and applied as is therein after directed (that is to say) the said treasurer should after the said twenty fourth day of June, pay, or cause to be paid, at any time or times, such sum or sums of money, not exceeding in the whole, the sum of three thousand pounds, according to the order and direction of the right honourable the lord Vere Beauclerk, brother to his grace the duke of Saint Albans, the right honourable John lord Percival, of the kingdom of Ireland, the honourable Robert Byng esquire, Sir Roger Meredith, Sir Robert Furness, Sir Robert Austin, Sir Gregory Page, Sir John Shaw, Sir Edward Bettenson, Sir William Saunderson, baronets; Sir John Jennings, Sir Charles Wager, Sir George Saunders, Sir Jacob Acworth, knights; David Papillon, David Polhill, Thomas Pearse, esquires; the rector of Woolwich for the time being, the dean of Rochester, the archdeacon of Rochester, the reverend Mr. Philip Stubbs archdeacon of Saint Albans, Christopher Appleby, Joseph Kirke, Richard Bowater, Peter Denham, esquires; doctor James Sherard, John Chelly, John Hayward, Daniel Wiseman, Thomas Rogers junior, esquires; James Felton, Samuel Remnant, Samuel Fletcher, gentlemen; and the churchwardens of the said parish of Woolwich for the time being (who are thereby appointed trustees for the rebuilding the said parish church) signified to him the said treasurer in writing under their hands, or under the hands of any five or more of them: and that the said trustees, or the survivors of them, or any five or more of them, should lay out, manage, and apply the said sum of three thousand pounds, or any part thereof, to and for the rebuilding the said parish church, and in doing such other works in
and

and about the same, as they, or any five or more of them, should in their discretions think proper and necessary; and lay an account in writing, under their hands, before the said commissioners, of the money so disposed of by them: and if any part of the said three thousand pounds should remain undisposed of, after the building and finishing the said church, and doing other necessary works about the same, and the whole expences thereof fully cleared and discharged, such sum and sums of money so remaining undisposed of, should be applied in the same manner, and to the same uses, as the other monies arising from the said duty on coals and culm was or were applicable towards building or endowing the said fifty new churches, or other purposes: and it was thereby further enacted, That the sum of twelve hundred and thirty pounds, in the joint-stock of South Sea annuities, in the names of the said Sir Jacob Acworth, and Christopher Appleby, and all dividends and produce resulting from and attending the same, and also the sum of fifty pounds, nine shillings and eleven pence in money, which were respectively raised and collected by means of several charitable contributions and donations therein mentioned, should be paid and transferred to the trustees appointed by the said act for the time being, or to such person or persons, as they or any five or more of them should by writing under their hands direct or appoint; to the intent the same might be applied and disposed of in such and the same manner, as the said sum of three thousand pounds, thereby appointed to be paid by the said commissioners for rebuilding the said church, as in and by the said act of parliament, relation being thereunto had, may more fully appear: and whereas the sum of three thousand pounds, granted by the said act, and the money raised and collected by such charitable collections and donations as aforesaid, have been expended and applied in pursuance and for the purposes of the said act of parliament; and a substantial church and steeple have been built at Woolwich aforesaid, and the said church covered in; but no farther progress hath been made towards the finishing the said church, and making the same fit and convenient for the performing divine service therein: and whereas the said Daniel Wiseman, one of the trustees in the said act of parliament named, made his last will and testament in writing, bearing date the twenty sixth day of November, one thousand seven hundred and thirty six, and thereby directed and desired, that in case at the time of his decease the parish church lately built at Woolwich should not be compleatly finished, and fit for divine service, then his wife Mary Wiseman, whom he made sole executrix of his will, in conjunction with his trustees therein named, should pay or advance to the minister, churchwardens, and principal inhabitants of the parish of Woolwich, such sum or sums of money, out of the residue of his personal estate, as should, by able, good, and honest workmen, be found wanting and necessary, for finishing and compleating the works of the said new church, and making the same proper and convenient for divine service, not exceeding in the whole the sum of one thousand pounds sterling, to be paid and advanced on the following terms and conditions; that is to say, the said one thousand pounds (if finishing the work should require so much) to be paid to the said parishioners after the decease of his wife Mary Wiseman,

and

and of her mather Elizabeth Crouch, and not before, unless the rector or minister, churchwardens, overseers of the poor, and other the principal inhabitants of the said parish of Woolwich, would sign, execute, and give their bond, obliging themselves, their heirs, and successors, to pay to the said Mary Wiseman and Elizabeth Crouch, and the survivor of them, interest at five pounds per centum per annum, for every one hundred pounds that should be so advanced and paid, and so in proportion for any greater or lesser sum or sums, by half-yearly payments; the last half-year's interest in which the survivor of them should happen to die, to be paid to her executors, administrators; or assigns, for or towards her interment: and whereas an estimate has been made by able and skilful workmen of the charges and expences that will necessarily attend the finishing and compleating the said new church, and making it fit and convenient for the performing divine service therein; and such charges and expences are calculated and computed at, and do amount to, the sum of nine hundred thirty eight pounds, seventeen shillings, and five pence: and whereas the parishioners of the parish of Woolwich, who are very poor, and chiefly consist of artificers and labourers employed in his Majesty's dock and yards, are unable to raise the money that will be required for finishing and compleating the said church, and so long as the same remains unfinished, will be destitute of a place of publick divine worship: and whereas the said Mary Wiseman and Elizabeth Crouch are willing that the said sum of one thousand pounds so given and bequeathed by the will of the said Daniel Wiseman, should be immediately applied, pursuant and according to the pious intention of the donor, so as an annuity equivalent to the interest attending the same, may in compliance with, and performance of, the condition annexed to the said donation, be effectually secured to them and the survivor of them, according to the tenor and purport of the said will: but although the inhabitants and parishioners of the parish of Woolwich are very desirous to contribute to answer and pay the said annuity according to the tenor and purport of the said will, in order to promote and effect the pious design aforementioned; yet as they are not enabled by the laws now in being, to enforce and compel the raising and paying such contribution for the purposes aforesaid, without the aid and authority of parliament, &c.

CAP. X.

An act for repairing the roads from the north-west parts of the county of Lincoln, through Nettlam-fields; Wragby-lane, and Baumber-fields, to the Wolds, or north-east part of the said county.

Certain tolls are granted from 24 June, 1739, for 21 years.

CAP. XI.

An act for enlarging the term and powers granted by an act passed in the sixth year of the reign of his present Majesty; for repairing the road from Fyfield in the county of Berks, to Saint John's Bridge in the county of Gloucester; and for repairing the roads from an Inn called The Hind's Head in the parish of Kingston Bagpuze, in the said county of Berks, to that part of Newbridge which stands in the said county of Berks.

The tolls of 6 Geo. 2. c. 16, are farther continued for 21 years.

CAP.

CAP. XII.

An act for repairing the roads from Bakewell to Chesterfield in the county of Derby, and from Chesterfield to Workfopp in the county of Nottingham, and from Chesterfield to the place where the northern road meets the Chesterfield road; which leads to Mansfield, in the said county of Nottingham.

Certain tolls are granted from 1 June, 1739, for 21 years.

CAP. XIII.

An act for continuing the act made in the eighth year of the reign of her late Majesty Queen Anne, to regulate the price and assize of bread; and for continuing, explaining, and amending the act made in the second year of the reign of his present Majesty, for the better regulation of attornies and solicitors.

WHEREAS the laws herein after mentioned (which have Preamble.
by experience been found useful and beneficial) are near expiring; may it therefore please your most excellent Majesty, that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act Further continuance of the acts 8 Anne, c. 18.
made in the eighth year of the reign of her late Majesty Queen Anne, intituled, *An act to regulate the assize of bread*, which was to be in force for three years, and from thence to the end of the then next session of parliament, together with the alterations made relating thereto, by an act made in the first year of the reign of his late majesty King George, intituled, *An act for continuing several laws therein mentioned relating to coals, hemp, and flax, Irish and Scotch linen, and the assize of bread, and for giving power to adjourn the quarter sessions for the county of Anglesea for the purposes therein mentioned*; which said act and alterations had further continuance by several subsequent acts, are near expiring, shall be and are hereby continued and in force from the expiration thereof to the twenty fourth day of June, which shall be in the year of our Lord one thousand seven hundred and forty eight, and from thence to the end of the then next sessions of parliament.

II. And whereas several doubts and difficulties have arisen touching the powers of the magistrates of burghs and corporate towns, and of the powers of the justices of the peace in such other towns and divisions where no magistrates are, in that part of Great Britain called Scotland, touching the regulating the price and assize of bread; be it therefore declared and enacted by the authority aforesaid, extended to Scotland.
That the said act of the eighth year of the reign of her late Majesty Queen Anne, together with the alterations made in an act of the first year of the reign of his late majesty King George, relating to the said act of the eighth year of the reign of her said late Majesty, does extend, and shall be with all the powers, provisions,

visions, clauses, and declarations, extended, to that part of *Great Britain* called *Scotland*.

Act 2 Geo. 2.
c. 23. further
continued.
Continued and
amended by 22
Geo. 2. c. 46.

III. And be it further enacted by the authority aforesaid, That an act made in the second year of the reign of his present Majesty, intituled, *An act for the better regulation of attornies and solicitors*, which was to continue in force from the first day of *June*, one thousand seven hundred and twenty nine, for the space of nine years, and from thence to the end of the then next sessions of parliament, and is near expiring, shall be and is hereby further continued from the expiration thereof until the said twenty fourth day of *June*, one thousand seven hundred and forty eight, and from thence to the end of the then next sessions of parliament.

The not indorsing the attorney's name on warrants upon writs, not to vitiate the same. Officers to indorse the attornies names upon writs.

IV. And be it further enacted by the authority aforesaid, That from and after the twenty fourth day of *June*, in the year of our Lord one thousand seven hundred and thirty nine, the not subscribing or indorsing the name of the attorney's clerk in court, or solicitor, on any warrant that shall be made out upon any writ, process, or execution, shall not vitiate the same; but such writ, process, and execution, and all proceedings thereon, shall be as valid and effectual, notwithstanding such omission, as if the said recited act for regulating attornies and solicitors had not been made; provided the writ whereon such warrant is made out be regularly subscribed or indorsed according to the said act; and every sheriff or sheriffs, or other officer, who shall make out any warrant upon any writ, process, or execution, and shall not subscribe or indorse the name of the attorney, clerk in court, or solicitor, who sued out the same, shall forfeit the sum of five pounds, to be assessed as a fine upon such sheriff or sheriffs or other officer, by the court out of which such writ, process, or execution shall issue; one moiety thereof to be paid to his Majesty, his heirs and successors, and the other moiety to the person or persons aggrieved by such omission.

Attornies, &c. may use abbreviations in their bills.

V. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, one thousand seven hundred and thirty nine, it shall and may be lawful to and for every attorney, clerk in court, and solicitor, to write his bill of fees, charges, and disbursements, with such abbreviations as are now commonly used in the *English* language; any thing in any former law to the contrary notwithstanding.

Act 2 Geo. 2.
not to extend
to any bill of
fees between
one solicitor
and another.

VI. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, one thousand seven hundred and thirty nine, the said act of the second year of his present Majesty, for the better regulation of attornies and solicitors, or any clause, matter, or thing therein contained, shall not extend to any bill of fees, charges, and disbursements that are now, or shall hereafter become, due from any attorney or solicitor to any other attorney or solicitor,

or

or clerk in court; but that every such attorney, solicitor, or clerk in court, may use such remedies for the recovery of his fees, charges, and disbursements against such other attorney or solicitor, as he might have done before the making of the said act.

VII. And be it further enacted, That in case any person shall, from and after the said twenty fourth day of *June*, one thousand seven hundred and thirty nine, commence or defend any action, or sue out any writ, process, or summons, or carry on any proceedings in the court commonly called *The county court*, holden in any county in that part of *Great Britain* called *England*, who is not or shall not then be legally admitted an attorney or solicitor, according to the said act made in the second year of the reign of his present Majesty, that such person shall for every such offence forfeit the sum of twenty pounds, to be recovered with costs by any other person who shall sue for the same, within twelve months next after such offence shall be committed, in any of his Majesty's courts of record.

Penalty on persons unqualified acting in county courts.

Case - King v. T. R. 163

VIII. And be it enacted by the authority aforesaid, That any person being one of the people called *Quakers* who may have served, or shall hereafter serve, a clerkship with an attorney or solicitor, and shall be qualified as by the said act before is required, shall, upon taking his solemn affirmation instead of the oaths thereby directed to be taken, before such judges and others who are hereby authorized and required to administer the said affirmation, be admitted and inrolled as an attorney or solicitor, as if he had taken the said oaths; any thing in the said act to the contrary notwithstanding.

Quakers to be inrolled upon their affirmation.

IX. And be it further enacted by the authority aforesaid, That from and after the twenty fourth day of *June*, one thousand seven hundred and thirty nine, no attorney or solicitor who shall be a prisoner in any gaol or prison, or within the limits, rules, or liberties of any gaol or prison, shall, during his confinement in any gaol or prison, or within the limits, rules, or liberties of any gaol or prison, in his own name, or in the name of any other attorney or solicitor, sue out any writ or process, or commence or prosecute any action or suit in any courts of law or equity; and that all proceedings in such actions or suits shall be void and of none effect; and such attorney or solicitor so commencing or prosecuting any action or suit as aforesaid, shall be struck off the roll, and incapacitated from acting as an attorney or solicitor for the future; and any attorney or solicitor permitting or empowering any such attorney or solicitor as aforesaid, to commence or prosecute any action or suit in his name, shall be struck off the roll, and incapacitated from acting as an attorney or solicitor for the future.

No attorneys, &c. to commence suits, if prisoners.

King's Case - 1 B. R. 256 2 D. & R. 406

Barnes 40 - 200 - under 285

Penalty,

X. Provided nevertheless, and it is hereby further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to prevent any attorney or solicitor so confined as aforesaid, from carrying on or transacting any suit or suits commenced before the confinement of such attorney.

Proviso.

Barnes 40.

torney or solicitor as aforesaid; any thing in this act contained to the contrary notwithstanding.

CAP. XIV.

An act for allowing further time for enrolment of deeds and wills made by papists, and for relief of protestant purchasers, devisees, and lessees.

Deeds and wills of papists made since 29 Sept. 1717, and not registred, valid if registred by 28 Nov. 1739. unless advantage of not inrolling them hath been taken on or before 2 Feb. 1738. Purchases made by protestants not to be avoided through neglect of enrolment. E X P.

CAP. XV.

An act to enable his Majesty to settle an annuity of fifteen thousand pounds on his royal highness the duke of Cumberland, and the heirs of his body, and also one other annuity of twenty four thousand pounds on their royal highnesses the princess Amalie, the princess Caroline, the princess Mary, and the princess Lovisa.

Most gracious Sovereign,

Preamble re-
citing the acts
1 Ann. stat. 1.
c. 7.

9 Ann. c. 10.

WHEREAS by an act made in the first year of the reign of her late majesty Queen Anne, intituled, An act for the better support of her Majesty's household, and of the honour and dignity of the crown; all grants which should be afterwards made by her said late majesty, her heirs or successors, of any manors, messuages, lands, tenements, rents, tithes, woods, or other hereditaments (advowsons excepted) other than such as are therein expressed, are declared to be void; and by another act made in the ninth year of her said late Majesty's reign, intituled, An act for establishing a general post-office for all her Majesty's dominions, and for settling a weekly sum out of the revenues thereof for the service of the war, and other her Majesty's occasions; it was enacted, That such part of the duties and revenues arising in and by the general letter-office or post-office, which was thereby vested in her said late Majesty, her heirs and successors, and therein mentioned to be undeterminable, should not be alienable, chargeable, or grantable for any estate, term or time whatsoever, to endure longer than the life of the King or Queen that should make such alienation, charge, or grant respectively; and that all gifts, grants, alienations, or assurances whatsoever, to be had or made of, or charged upon, the same duties or revenues, or any part thereof, contrary to the provision of that act, should be null and void: and whereas her said late Majesty at the time of making the said respective acts having no issue nor any prospect of any, no power was thereby reserved to make provision for the younger children of the crown: and whereas your Majesty is blessed with a numerous royal progeny, endowed with many excellent virtues and accomplishments, and your Majesty hath been pleased to express your royal inclination, that a competent provision should be made for your younger children out of the hereditary revenues of the crown, to take effect after the demise of your Majesty (whom God long preserve) which gracious inclination of your Majesty your faithful commons think highly just and reasonable; where-

wherefore your Majesty's most dutiful and loyal subjects the commons of *Great Britain* in parliament assembled, do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the King's most excellent majesty, by any letters patent or indenture, or by several letters patents or indentures, under the great seal of *Great Britain* hereafter to be made, to give and grant unto his royal highness *William* duke of *Cumberland*, and the heirs of his body, one annuity or yearly rent or sum of fifteen thousand pounds of lawful money of *Great Britain*; which annuity or yearly rent or sum of fifteen thousand pounds, and every part thereof, shall commence and take effect from the day of the demise of his Majesty (whom God long preserve) and shall be paid and payable at the four most usual feasts or days of payment in the year; that is to say, The feast of Saint *Michael* the archangel, the feast of the nativity of our Lord Christ, the feast of the annunciation of the blessed Virgin *Mary*, and the feast of Saint *John* the baptist, by even and equal portions; the first payment thereof to be made at such of the said feast days as shall first and next happen after the demise of his Majesty, with such powers for his royal highness the duke of *Cumberland*, and the heirs male of his body, to make provision out of the said annuity or annual rent by way of jointure on any wife or wives he or they shall marry, and for his and their younger sons, and for his and their daughters, in such manner as his said Majesty shall in his royal wisdom in and by his said letters patent, indenture, or indentures, think fit to give, limit, or appoint.

II. And it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for the King's most excellent majesty, by such letters patent or indenture, or by any other letters patent, indenture or indentures, under the great seal of *Great Britain* hereafter to be made, to give and grant unto their royal highnesses the princefs *Amalie*, the princefs *Caroline*, the princefs *Mary*, and the princefs *Lovisa*, and survivors and survivor of them, or to such other person or persons as his Majesty shall think fit to be named in such letters patent, indenture or indentures, and his or their heirs, during the lives of their said royal highnesses, and the life of the survivor of them, in trust for their said royal highnesses, and the survivors or survivor of them, subject to such contingencies and determination as to the whole or part thereof, as are or is herein after mentioned and provided, one other annuity or yearly rent or sum of twenty four thousand pounds of lawful money of *Great Britain*; which annuity or yearly rent or sum of twenty four thousand pounds shall commence and take effect from the day of the demise of his Majesty (whom God long preserve) and shall be paid and payable at the said four most usual feasts or days of payment in the year, by even and equal portions; the first payment thereof

His Majesty
impowered to
settle 15,000l.
per ann. on
his royal
highness the
duke of Cum-
berland, and
the heirs of
his body;
19 Geo. 2. c. 29.

and 24,000l.
per annum,
on the four
younger
princesses.

The former chargeable on the revenues of the post-office,

to be made at such of the said feast days which shall next happen after the demise of his said Majesty; and that the said annuity or yearly rent or sum of fifteen thousand pounds shall and may by such letters patent, indenture or indentures, be directed to be, and shall be issuing and payable out of, and charged and chargeable upon all and every the revenues and monies arising and to arise by virtue and in pursuance of the said act of the ninth year of her said late Majesty's reign, intituled, *An act for establishing a general post-office for all her Majesty's dominions, and for settling a weekly sum out of the revenues thereof, for the service of the war, and other her Majesty's occasions*; or by virtue or in pursuance of any proviso, clause, matter or thing therein contained, or of any other act or acts of parliament thereby referred to; the weekly sum of seven hundred pounds mentioned in the said act of the ninth year of her said late Majesty's reign, during such time as the said weekly sum is to continue, and any other monies by that act appointed to be reserved for the use of the publick, always excepted and foreprized: and that the said annuity or yearly rent or sum of twenty four thousand pounds shall and may by such letters patent, indenture or indentures, be directed to be, and shall be issuing and payable out of, and charged and chargeable upon the hereditary rates and duties of excise upon beer, ale, and other liquors, which were granted to the crown by an act of parliament of the twelfth year of the reign of his late majesty King Charles the Second, intituled, *An act for taking away the court of wards and liveries, and tenures in Capite, and by knights, and purveyance; and for settling a revenue on his Majesty in lieu thereof*; or which shall arise, or are payable by virtue of any other act or acts relating thereto

the latter on the hereditary excise.

Proviso.

III. Provided always, That nothing in this act contained, or to be contained in such letters patent, indenture or indentures as aforesaid, shall extend to hinder or obstruct the payments of the weekly sum of three thousand seven hundred pounds, or the yearly sum of fifteen thousand seven hundred fifty nine pounds, nineteen shillings, and four pence, by former acts of parliament charged upon the said rates and duties of excise, or some of them, or the application thereof to the respective uses intended by such former acts concerning the same; any thing herein contained to the contrary notwithstanding.

Deficiency of the post-office revenue to answer the quarterly payment of the 15,000l. annuity, how to be supplied.

IV. And it is hereby further enacted by the authority aforesaid, That if the said revenue of the post-office, applicable to the payment of the said yearly sum of fifteen thousand pounds, shall at the end of any quarter of a year be insufficient to answer the quarterly payment of the said annuity or yearly rent or sum of fifteen thousand pounds, and all arrears thereof which shall be then due out of the same, according to the true meaning of this act; then and in every such case the comptroller of the said office for the time being shall and he is hereby required without fee or charge, at the request of his said royal highness the duke of Cumberland, or the heirs of his body, or of such other person as shall be intituled to receive any part thereof in

pur-

purſuance of this act, and of ſuch letters patent, indenture or indentures as aforeſaid, or of any perſon by him or them reſpectively authorized for that purpoſe, to make and deliver to his ſaid royal highneſs, or the heirs of his body, or ſuch other perſon as ſhall be intitled as aforeſaid, or to his or their order, a certificate in writing of the ſum which ſhall be wanting to compleat the payment of ſuch arrears; and on producing thereof the commiſſioners of the treaſury, or any three or more of them, or the lord high treaſurer for the time being, ſhall cauſe every ſuch deficiency to be paid and ſatisfied out of any overplus monies of the ſaid rates and duties of exciſe, or out of ſome other monies ariſing or to ariſe by any hereditary branches of the revenue belonging to his Majeſty his heirs and ſucceſſors, being appointed for the uſes of the civil government, with preference to all other payments hereafter to be charged upon ſuch overplus monies, or other branches by any ſubſequent grant or grants to be made, or any act or acts of parliament hereafter to be paſſed: and if the ſaid rates and duties of exciſe applicable to the payment of the ſaid yearly rent or ſum of twenty four thouſand pounds ſhall at the end of any quarter of a year be inſufficient to answer the quarterly payment of the ſaid laſt mentioned annuity, or any arrears thereof then due out of the ſame, according to the true intent and meaning of this act; then and in every ſuch caſe the comptroller of the exciſe for the time being ſhall and he is hereby required without fee or charge at the requeſt of their ſaid royal highneſſes the princeſs *Amalie*, the princeſs *Caroline*, the princeſs *Mary*, and the princeſs *Loviſa*, or the ſurvivors or ſurvivor of them, or of ſuch of them as ſhall be intitled to the ſaid annuity, or any part thereof, or of any other perſon or perſons authorized by them reſpectively for that purpoſe, to make and deliver to them reſpectively a certificate in writing of the ſum which ſhall be then wanting to compleat the payment of ſuch arrears; and on the producing thereof, the commiſſioners of the treaſury, or any three or more of them, or the lord high treaſurer for the time being, ſhall cauſe every ſuch deficiency to be ſatisfied and paid out of any overplus monies of the ſaid poſt-office revenues, or out of ſome other monies ariſing or to ariſe by ſuch hereditary branches of the revenue appointed for the uſes of the civil government as aforeſaid, with preference to all other payments hereafter to be charged upon ſuch overplus monies or other branches by any ſubſequent grant or grants to be made, or any act or acts of parliament hereafter to be paſſed; any thing in this act, or any other law or ſtatute whatſoever to the contrary in any wiſe notwithstanding.

Deficiency of
the annuity of
24,000l.

V. And be it further enacted by the authority aforeſaid, That the ſaid annuities or yearly rents or ſums of fifteen thouſand pounds, and twenty four thouſand pounds, as aforeſaid, ſhall be paid and payable by and from the immediate hands of all and every the commiſſioners, farmers, treaſurers or receivers for the time being of the ſaid revenues reſpectively, upon which

The ſaid annuities how to be paid;

the said several and respective annuities or yearly sums of fifteen thousand pounds, and twenty four thousand pounds, or any part or parts thereof shall be charged, without any fees or charges to be demanded or taken for paying the same or any part thereof; and the acquittance or acquittances, receipt or receipts of his said royal highness the duke of *Cumberland*, and the heirs of his body, and of such other person or persons as shall be intitled to receive any part of the said annuity of fifteen thousand pounds as aforesaid, and of their said royal highnesses the princesses, or the survivors or survivor of them, or of such of them as shall be intitled to the said annuity of twenty four thousand pounds, or any part thereof, or of any person or persons authorized by them respectively for that purpose, shall be a good and sufficient discharge for the payment thereof, without any further or other warrant to be sued for, had or obtained in to be tax-free. that behalf; and that the said yearly sums or annuities, and every part thereof, shall be free and clear from all taxes, impositions and other publick charges whatsoever; and that if the officers of the receipt of his Majesty's exchequer, or the said commissioners, farmers, treasurers or receivers for the time being of any of the said duties or revenues, upon which the said several and respective annuities or yearly sums of fifteen thousand pounds, and twenty four thousand pounds, or any part or parts thereof shall be charged as aforesaid, shall refuse or neglect to pay the said several and respective annuities or yearly sums or any part thereof according to the true intent of this act, and of such letters patent or letters patents, indenture or indentures, to be granted by his Majesty as aforesaid; then his said royal highness the duke of *Cumberland*, and the heirs of his body, and such other person or persons as shall be so intitled to receive any part of the said annuity of fifteen thousand pounds as aforesaid, and the said princesses, or the survivors or survivor of them, or such of them as shall be intitled to receive the said annuities respectively, or either of them, or any part thereof, or such their trustees respectively, may from time to time sue, prosecute, and implead such officers, commissioners, farmers, treasurers or receivers, or any of them, or all or any of their securities, their heirs, executors and administrators, by bill, plaint or action of debt, and shall and may recover judgments, and sue out executions thereupon, against such officers, commissioners, farmers, treasurers or receivers respectively, and their respective securities, their heirs, executors or administrators, for so much of such sum or sums of money then due and owing upon the said several and respective rents or annuities of fifteen thousand pounds, and twenty four thousand pounds, or any part thereof, as shall have been in the hands of such officers, commissioners, farmers, treasurers or receivers respectively, at the time and times when such demand shall be made of the payment of the said several and respective annuities or yearly sums, or any part thereof as aforesaid.

On non-payment, how to be recovered.

VI. And be it further enacted by the authority aforesaid, That

That all and every the powers, precepts, directions and clauses to be contained in his Majesty's letters patent or letters patents, indenture or indentures, hereafter to be made as aforesaid, for the better and more certain payment and assurance of the said yearly rents, annuities or sums of fifteen thousand pounds, and twenty four thousand pounds, and for making the said respective revenues liable thereunto, shall be and are hereby enacted to be good and effectual in the law, according to the tenor and purport thereof in the said letters patent or letters patents, indenture or indentures to be expressed, notwithstanding any restriction or other matter or thing contained in the said act of parliament made in the first year of her said late Majesty's reign, intituled, *An act for the better support of her Majesty's household, and of the honour and dignity of the crown*; and notwithstanding any restriction or other matter or thing contained in the said act of the ninth year of her said late Majesty's reign, for establishing the post-office, or any other act or acts of parliament, and any mis-recital, non-recital, omission, or other defect, in the said letters patent or letters patents, indenture or indentures hereafter to be made, in any wise notwithstanding; saving to all and every person and persons, bodies politick or corporate, their heirs, executors, administrators and assigns (other than the King's majesty, his heirs and successors, and other than such person and persons who do or may stand seized or possessed in trust for his Majesty, his heirs and successors) all such right, title, interest and demand whatsoever, which they or any of them have or may have of, in, to or out of the revenues aforesaid, or any part thereof, before the making of this act, as fully and effectually to all intents and purposes, as if this act had not been made, this act or any thing therein contained to the contrary notwithstanding.

Validity of his Majesty's letters patent for the payment of the said annuities.

VII. Provided always, and it is hereby enacted by the authority aforesaid, That the said annuity or yearly sum of fifteen thousand pounds, shall not at any time or times hereafter be aliened, conveyed, disposed, charged, or incumbered by his said royal highness, or by any of the heirs of his body, for any greater or longer estate or time than during the natural life of the person so aliening, conveying, disposing, charging, or incumbering the same, or so as to prevent the same from descending to the heirs in tail according to the said limitation, other than, and according to, and in pursuance of such power, for making jointures, and for the benefit of younger sons and of daughters of his said royal highness the duke, or of any of the heirs of his body, as shall be limited and given in and by such letters patent, indenture or indentures, as aforesaid.

The said 15,000l. not to be aliened, &c. otherwise than for life,

or as is consistent with the powers granted by the said letters patent.

VIII. Provided also, and it is hereby enacted by the authority aforesaid, That upon the death of any of their said royal highnesses the princesses, or upon the marriage of any one of them, and the payment of a portion of or in consideration of such marriage, not less than forty thousand pounds sterling, the right, title, share, and interest of such prince or princess so dying, or being married,

Disposal of the 24,000l. in case of the death or marriage of the princesses.

ried, in and to the said yearly rent or annuity of twenty four thousand pounds, or any part thereof, shall cease and determine; and the said whole annuity shall from thenceforth accrue and remain to the three other princesses; and upon the death or marriage of any other of the said princesses, and the payment of a portion not less than forty thousand pounds sterling on or in consideration of such marriage, the right, share, and interest of such other princefs so dying, or being married, in or to the said annuity of twenty four thousand pounds, shall cease and determine; and two third parts of the said annuity of twenty four thousand pounds, amounting to sixteen thousand pounds *per annum*, and no more, shall accrue and belong to the other two princesses then unmarried; and upon the death or marriage of either of the said two last mentioned princesses, and payment of a portion not less than forty thousand pounds sterling on or in consideration of such marriage, the right, share, and interest of such princefs, of, in, and to the said annuity of sixteen thousand pounds, shall cease and determine, and the other of the said princesses then living shall be intitled to twelve thousand pounds *per annum*, part of the said rent, or annuity of sixteen thousand pounds, and no more, to cease and be determined on her death or marriage, and the payment of a portion not less than forty thousand pounds sterling on or in consideration of such marriage.

CAP. XVI.

- 1 Geo. 2. c. 6. An act for enlarging the term and powers granted by an act passed in the first year of the reign of his present Majesty, intituled, *An act for repairing the road from the Powder Mills on Hounslow Heath in the county of Middlesex, to a place called Basingstone, near the town of Bagshot, in the parish of Windlesham, in the county of Surrey.*

The tolls are farther continued for 21 years.

CAP. XVII.

An act to enable the parishioners of the parish of Saint Catharine Coleman in Fenchurch-street in the city of London, to rebuild the church of the said parish.

See 15 Geo. 2.
c. 12.

WHEREAS the parish church of Saint Catharine Coleman in Fenchurch-street in the city of London is a very ancient fabrick, and being built at first with chalk and rubble, is now so decayed in the walls and pillars and several other parts thereof, that the whole building, and also the steeple belonging to the said church, are in a ruinous condition: now to the intent the said church may be rebuilt for the publick worship of God, and the instruction of the inhabitants of the said parish in the true christian religion as now professed in the church of *England*; and that the said steeple may also be rebuilt, and that the same may be effected in a manner that may be least burthenfome to the inhabitants of the said parish; the rector, churchwardens, and other inhabitants of the said parish, do most humbly beseech your most excellent Majesty, that it may be enacted; and be it enacted, &c.

Trustees

Trustees impowered to pull down and rebuild the church. Funeral rates. Rates for tolling the bells, as specified by an indenture, and rates for the use of palls, to be applied to the purposes of the act. The rates to be vested in the trustees. Collectors exempted from the office of scavenger. Annuities for life on contributions, at 8l. *per cent. per annum*, to be charged on the rates. Quarterly assessments to be made; and to be paid two thirds by the landlord, and one by the tenant. The rates not to intitle persons to settlements. Parishioners impowered to alter the burial fees. Rights of the bishop of London, and the rector, not to be prejudiced.

C A P. XVIII.

An act for repairing the road or highway from the Dun Cow in the town of Dunchurch, through the parish of Bilton over Dunsmore Heath to the town of Hill Morton in the county of Warwick; and from thence through the several parishes of Creek, West Haddon, and East Haddon, in the county of Northampton, to Saint James's end in the parish of Duston, in the said county of Northampton.

Certain tolls are granted from 24 June, 1739, for 21 years. 16 Geo. 2. c. 20,

C A P. XIX.

An act for granting to his Majesty the sum of five hundred thousand pounds out of the sinking fund, for the service of the year one thousand seven hundred and thirty nine; and for enabling his Majesty to raise the further sum of five hundred thousand pounds out of the growing produce of the said fund; and for the further appropriating the supplies granted in this session of parliament; and for giving time for the payment of duties omitted to be paid for the indentures and contracts of clerks and apprentices.

MOST gracious Sovereign: we your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, being desirous to raise the supply granted to your Majesty in this session of parliament by ways the least burthensome to your Majesty's subjects, have resolved to give and grant unto your Majesty the sum of five hundred thousand pounds, out of the surplusses, excesses, and overplus monies, commonly called *The sinking fund*, towards the supply granted to your Majesty for the service of the year one thousand seven hundred and thirty nine; and also to enable your Majesty to issue and apply the further sum of five hundred thousand pounds, out of the growing produce of the said sinking fund, or to raise the same by loans or exchequer bills, at an interest not exceeding three pounds *per centum per annum*, to be charged upon and secured by the said fund, for the service of the said year one thousand seven hundred and thirty nine, in case the exigency of affairs should require the same, in such manner and form as is herein after mentioned; and to that end and purpose do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That by or out of such monies as now are, or Treasury to shall issue out of

the sinking
fund, 500,000l.

shall from time to time quarterly be, in the receipt of the exchequer, of the said surplusses, excesses, or overplus monies, commonly called *The sinking fund*, at any time before the feast day of the nativity of Saint *John the Baptist*, which shall be in the year of our Lord one thousand seven hundred and thirty nine (after paying or reserving sufficient to pay all such sum and sums of money as have been directed by any former act or acts of parliament to be paid out of the same) there shall and may be issued, paid, and applied, a sum not exceeding the said sum of five hundred thousand pounds, for or towards the supply granted to his Majesty for the service of the said year one thousand seven hundred and thirty nine; and the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, are hereby authorized and empowered to issue and apply the same accordingly.

and the growing produce of the said fund, towards raising the further sum of 500,000l. for the service of the year 1739.

II. And for or towards raising the said further sum or sums of money, not exceeding in the whole the said sum of five hundred thousand pounds, it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, and they are hereby authorized and empowered from time to time, at or after the said feast day of the nativity of Saint *John the Baptist*, to issue and apply the growing produce of the said surplusses, excesses, and overplus monies, commonly called *The sinking fund* (except such monies of the said sinking fund as are appropriated to any particular use or uses by any former or other act or acts of parliament in that behalf) towards raising the said further sum of five hundred thousand pounds, for or towards the supply granted to his Majesty for the service of the said year one thousand seven hundred and thirty nine as aforesaid; but in case the said commissioners of his Majesty's treasury, or any three or more of them, or the high treasurer for the time being, shall think it more adviseable to raise the said sum of five hundred thousand pounds, or any part thereof, by loans or exchequer bills as aforesaid, that it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick and corporate, to advance or lend to his Majesty, at the receipt of his Majesty's exchequer, any sum or sums of money not exceeding the said sum of five hundred thousand pounds, upon the credit of the said surplusses, excesses, and overplus monies, commonly called *The sinking fund*; and to have and receive for the forbearance of the money lent, interest after a rate not exceeding three pounds *per centum per annum*, so as such loans be allowed to be made by the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, who are hereby authorized to issue their warrants for that purpose as fast as such loans shall be wanted for the pub-

or the said sum may be raised by loans or exchequer bills.

publick service; and moreover that no money so to be lent upon the security of this act shall be rated or assessed to any tax or assessment whatsoever.

III. And be it further enacted, That all and every person and persons who shall lend any money upon the credit of this act as aforesaid, and pay the same into the receipt of the exchequer, shall immediately have a tally of loan struck for the same, and an order for his, her, or their repayment, bearing the same date with his, her, or their tally, in or upon which order shall be also contained a warrant for payment of interest for the forbearance thereof, not exceeding the said rate of three pounds *per centum per annum*, and to be paid every three months, until the repayment of the principal; and all such orders for repayment of money so to be lent shall be registred in course according to the dates respectively; and that all and every person and persons shall be paid in course, according as their orders shall stand registred in the said register books, so as the person or persons, natives or foreigners, his, her, or their executors, administrators, or assigns, who shall have his, her, or their order or orders first entred in the said books of register, shall be taken and accounted to be the first person or persons to be paid out of the monies to come in of the said surplusses, excesses, and overplus monies, and he, she, or they, who shall have his, her, or their order or orders next entred, shall be taken and accounted to be the second person to be paid, and so successively and in course; and that the monies to come in of or for the said surplusses, excesses, and overplus monies, commonly called *The sinking fund*, as aforesaid, shall be in the same order liable to the satisfaction of the said respective persons, and body or bodies politick or corporate, their executors, administrators, successors, or assigns respectively, without undue preference of one before another, and not otherwise; and shall not be diverted or divertible to any other use, intent, or purpose whatsoever, other than such uses and purposes as are appointed by any other act or acts of parliament in that behalf as aforesaid; and that no fee, reward, or gratuity directly or indirectly shall be demanded or taken of any of his Majesty's subjects for providing or making of any such books or registers, or any entries, views, or searches in or for payment of money lent, or the interest thereof as aforesaid, by any of his Majesty's officer or officers, their clerks, or deputies, on pain of payment of treble damages to the party grieved by the party offending, with full costs of suit; or if the officer himself take or demand any such fee or reward, then to lose his place also; and if any undue preference of one before another shall be made either in point of registry or payment, contrary to the true meaning of this act, by any such officer or officers, then the party offending shall be liable by action of debt, or on the case to pay the value of the debt with full costs of suit to the party grieved, and shall be forejudged of his office or place; and if such preference be unduly made by any his deputy or clerk, without direction or privity of his master,

Lender to have tallies and orders.

Orders and payments to be in course.

No undue preference.

Officers to take no fees.

Penalties,

recoverable
by action of
debt.

ster, then such deputy or clerk only shall be liable to such action, debt, damages, and costs, and shall be for ever after incapable of his office or place; and in case the auditor of the receipt shall not direct the said order of loan, or the clerk of the pells record, or the tellers make payment upon such order, according to each person's due place and order as before directed, then he or they shall be adjudged to forfeit, and the respective deputies and clerks therein offending, to be liable to such action, debt, damages, and costs, in such manner as aforesaid; all which said penalties, forfeitures, damages, and costs, to be incurred by any the officers of the exchequer, or any their deputies or clerks, shall and may be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*; wherein no essoin, protection, privilege, wager of law, injunction, or order of restraint shall be in any wise granted or allowed.

IV. Provided always, and it is hereby declared, That if it shall happen that several tallies of loan or orders for payment as aforesaid, bear date, or be brought the same day to the auditor of the receipt to be registred, then it shall be interpreted no undue preference which of those he entred first, so as he enters them all the same day.

What shall be
interpreted no
undue pre-
ference.

V. Provided also, That it shall not be interpreted any undue preference, to incur any penalty, in point of payment, if the auditor direct, and the clerks of the pells record, and the tellers do pay subsequent orders, to persons that come and demand their monies, and bring their orders, before other persons that did not come to take their monies, and bring their orders in course; so as there be so much money reserved as will satisfy precedent orders, which shall not be otherwise disposed of, but kept for them, interest upon loan being to cease from the time the money is so reserved and kept in bank for them.

Orders as-
signable.

VI. And be it further enacted, That all and every person and persons to whom any money shall be due for loans to be registred by virtue of this act, after order entred in the book of register as aforesaid, his, her, or their executors, administrators, or assigns, by proper words of assignment to be indorsed and written upon his order, may assign or transfer his right, title, interest and benefit of such order, or any part thereof, to any other; which being notified in the office of the auditor of the receipt aforesaid, and an entry or memorial thereof also made in the book of registry aforesaid for orders (which the officers shall upon request without fee or charge accordingly make) shall intitule such assignee, his, her, or their executors, administrators, successors, and assigns, to the benefit thereof and payment thereon, and such assignee may in like manner assign again, and so *toties quoties*; and afterwards it shall not be in the power of such person or persons who have or hath made such assignment, to make void, release, or discharge the same, or any the monies thereby due, or any part thereof.

VII. And to the end there may be no want or failure of a cer-
tain

tain sum, not to exceed in the whole the said sum of five hundred thousand pounds, to be raised either by such loans as afore-^{aid}, or by issuing exchequer bills as is herein after mentioned, or by both or either of those ways or means, for the publick service; be it further enacted by the authority afore-^{aid}, That in case the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall judge it more advisable to raise the said sum of five hundred thousand pounds, or any part thereof, by exchequer bills instead of such loans as afore-^{aid}; that then they respectively are hereby authorized and impowered at any time or times to prepare and make, or cause to be prepared and made, at the exchequer any number of new exchequer bills for any sum or sums of money, not exceeding in the whole the said sum of five hundred thousand pounds, together with such loans as afore-^{aid}, in the same or like manner, form, or order, and according to the same or like rules and directions, as in and by a certain act of parliament for continuing the duties on malt, malm, cyder, and perry, for the service of the year one thousand seven hundred and thirty nine, are enacted and prescribed concerning the exchequer bills to be made in pursuance of the same act.

Treasury may raise the said sum by issuing out new exchequer bills.

VIII. And be it further enacted by the authority afore-^{aid}, That all and every the clauses, provisoes, powers, privileges, advantages, penalties, forfeitures, and disabilities contained in the said last-mentioned act relating to the loans or exchequer bills authorized to be made by the same act (except such clauses as do charge the same on the duties or impositions granted or continued by the same act) shall be applied and extended to the exchequer bills to be made in pursuance of this act, as fully and effectually to all intents and purposes as if the same exchequer bills had been originally authorized by the said last-mentioned act, or as if the said several clauses or provisoes had been particularly repeated or re-enacted in the body of this present act.

Clauses of the malt act 1739, relating to exchequer bills, to extend to those of this act.

IX. And be it enacted by the authority afore-^{aid}, That all the exchequer bills as shall be made in pursuance of this act, and the interest, premium, rate, and charges incident to, or attending the same, shall be and are hereby charged and chargeable upon and shall be repaid and born by or out of the growing produce of the said surplusses, excesses, and overplus monies commonly called *The sinking fund* (except such monies of the said sinking fund as are appropriated to any particular use or uses by any former or other act or acts of parliament in that behalf) and such monies of the said sinking fund shall and may be issued and applied, as fast as the same can be regularly stated and ascertained, for or towards paying off, cancelling, and discharging such exchequer bills, interest, premium, rate, or charges, until the whole of them shall be paid off, cancelled, and discharged, or money sufficient for that purpose be kept and

The said bills charged on the sinking fund.

re-

reserved in the exchequer, to be payable on demand to the respective proprietors thereof.

Application
of the supplies.

X. Provided always, and be it enacted by the authority aforesaid, That all the monies coming into the exchequer, either by loans or exchequer bills, upon one act of this session of parliament, intituled, *An act for continuing the duties upon malt, mum, cyder, and perry, in that part of Great Britain called England, and for granting to his Majesty certain duties upon malt, mum, cyder, and perry, in that part of Great Britain called Scotland, for the service of the year one thousand seven hundred and thirty nine*, and so much money (if any such be) of the duties thereby granted and continued, as shall arise or remain after all the loans or exchequer bills made, or to be made on the same act, and all the interest, premium, or rate and charges thereon, and the charges thereby allowable for raising the said duties, shall be satisfied, or money sufficient shall be reserved in the exchequer to discharge the same; and all the monies coming into the exchequer, either by loans or exchequer bills, upon one other act of this session of parliament, intituled, *An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and thirty nine*, and so much money (if any such be) of the tax thereby granted, as shall arise or remain, after all the loans or exchequer bills made or to be made on the same act, and all the interest, premium, or rate and charges thereon, and the charges thereby allowable for raising the said land tax, shall be satisfied, or money sufficient shall be reserved in the exchequer to discharge the same; and also the sum of one hundred nineteen thousand four hundred fifty one pounds, seventeen shillings, and nine pence, granted for the service of the year one thousand seven hundred and thirty eight, and not appropriated for the service of that year; and the sum of one million by this act granted as aforesaid, shall be further appropriated and applied, and are hereby appropriated for and towards the several uses, intents, and purposes herein after expressed, subject nevertheless to such restrictions as are herein after prescribed; that is to say, it is hereby enacted and declared, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding eight hundred forty six thousand six hundred eighty nine pounds, two shillings, and six pence, for or towards the naval services herein after more particularly expressed; that is to say, for or towards defraying the charge of the ordinary of his Majesty's navy, and for half-pay to sea officers, and for or towards victuals, wages, wear and tear of the navy, and the victualling thereof, performed and to be performed, and for and towards sea services in the office of ordnance, performed and to be performed.

246,689 l. 2s.
6 d. for naval
services.

30,000 l. to
Greenwich
hospital.

XI. And it is also hereby enacted, That out of all or any the aids or supplies, as aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding ten thousand pounds, upon account, for or towards the support of the royal hos-

hospital at *Greenwich*, and for the better maintenance of the sea-men of the said hospital worn out and become decrepit in the service of their country.

XII. And it is hereby also enacted, That out of all or any the aids or supplies as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding one hundred and ten thousand five hundred ninety one pounds, seventeen shillings, and nine pence, for or towards defraying the charge of the office of ordnance for land services performed and to be performed, and for defraying the extraordinary expence of the office of ordnance for land services, not provided for by parliament.

110,591. 17 s. 9 d. for the office of ordnance.

XIII. And it is hereby likewise enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding nine hundred and fifty thousand nine hundred and eleven pounds, four shillings, and nine pence halfpenny, for or towards maintaining his Majesty's land forces, and other services herein after more particularly expressed; that is to say, any sum or sums of money not exceeding six hundred forty seven thousand five hundred forty nine pounds, eleven shillings, and three pence halfpenny, for defraying the charge of seventeen thousand seven hundred and four men, including commission and non-commission officers, and invalids, for guards, garrisons, and six independent companies for the service of the highlands, and other his Majesty's land forces in *Great Britain*, *Garratsey*, and *Jersey*, for the year one thousand seven hundred and thirty nine; and any sum or sums of money not exceeding two hundred twenty eight thousand sixty two pounds, ten shillings, and seven pence halfpenny, for maintaining his Majesty's forces and garrisons in the plantations, *Minorca*, and *Gibraltar*, and for provisions for the garrisons at *Annapolis Royal*, *Canso*, *Placentia*, and *Gibraltar*, and *Georgta*, for the year one thousand seven hundred and thirty nine; and any sum or sums of money not exceeding twenty seven thousand one hundred seventy two pounds, fifteen shillings, and five pence, upon account for the out-pensioners of *Chelsea* hospital, for the year one thousand seven hundred and thirty nine; and any sum or sums of money not exceeding five thousand forty one pounds, eight shillings, and three pence halfpenny, for defraying several extraordinary expences and services incurred in the year one thousand seven hundred and thirty eight, and not provided for by parliament; and any sum or sums of money not exceeding thirty nine thousand one hundred twenty four pounds, nineteen shillings, and two pence, upon account of half-pay to the reduced officers of his Majesty's land forces and marines, for the year one thousand seven hundred and thirty nine, subject nevertheless to such rules to be observed in the application of the said half-pay, as are herein after prescribed concerning the same; and any sum or sums of money not exceeding three thousand nine hundred and sixty pounds, for paying of pensions to widows of such reduced officers of his Majesty's land forces.

950,911. 4 s. 9 d. halfpenny, for land forces, &c.

647,549. 11 s. 3 d. halfpenny, for guards and garrisons.

228,061. 10 s. 7 d. halfpenny, for the plantations.

27,271. 15 s. 5 d. for Chelsea hospital.

5,041. 8 s. 3 d. halfpenny, for extraordinary expences.

39,241. 19 s. 2 d. for half-pay.

3,960. l. to reduced officers widows.

Majesty's land forces and marines, as died upon the establishment of half-pay in *Great Britain*, and who were married to them before the twenty fifth day of *December*, one thousand seven hundred and sixteen, for the year one thousand seven hundred and thirty nine; which said sum of three thousand nine hundred and sixty pounds, shall be issued to such person or persons, as his Majesty shall, by warrant or warrants under his royal sign manual direct or appoint to receive the same, to be by him or them paid over to such widows of half-pay officers, or their assigns, according to such establishments, lists, or other directions, and with and subject to such conditions, qualifications, deductions, or other allowances for the same, as his Majesty, by such and the like warrant or warrants, shall be graciously pleased to direct or appoint.

3,553 l. 18 s.
for deficiency
of the stamp
duties.

20,000 l. to
replace to the
sinking fund.

10,000 l. to-
wards main-
taining the
African forts.

4000 l. to the
repairing
Westminster
Abbey.

2000 l. to St.
Margaret's
church.

20,000 l. to

XIV. And it is also hereby enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding three thousand five hundred and fifty two pounds, eighteen shillings, to replace to the sinking fund the like sum paid out of the same, to make good the deficiency of the additional stamp duties at *Christmas*, one thousand seven hundred and thirty seven, pursuant to a clause in an act of parliament passed in the fourth year of his Majesty's reign, for raising one million two hundred thousand pounds by annuities and a lottery for the service of the year one thousand seven hundred and thirty one; and any sum or sums of money not exceeding twenty thousand pounds, to replace to the said sinking fund the like sum paid out of the same to the governor and company of the bank of *England* for one year's interest due on or before the eighth day of *September*, one thousand seven hundred and thirty eight, being after the rate of four pounds *per centum* on the principal sum of five hundred thousand pounds by them lent on the credit of the salt duties towards the supply of the year one thousand seven hundred and thirty five, pursuant to a clause in an act of parliament passed in the eighth year of his Majesty's reign, for granting and continuing the duties upon salt, and upon red and white herrings, for the further term of four years; and any sum or sums of money not exceeding ten thousand pounds, towards the maintenance of the *British* forts and settlements belonging to the royal *African* company of *England*, on the coast of *Africa*; and any sum or sums of money not exceeding four thousand pounds, towards repairing and finishing the collegiate church of *Saint Peter, Westminster*, and to enable the dean and chapter of the said collegiate church, to purchase two prebendal houses, in lieu of two to be taken down for facilitating the repairs, and the finishing of the said church; and any sum or sums of money not exceeding two thousand pounds, for the further repairing and finishing the tower and roof of the parish church of *Saint Margaret, Westminster*; and there shall and may be issued to the trustees for establishing the colony of *Georgia in America*, any sum or sums of money not exceeding twenty thousand pounds, by them to be applied for the further settling

settling and improving the said colony; and any sum or sums of the colony of money, not exceeding seventy thousand five hundred eighty three ^{Georgia.} pounds, six shillings, and eight pence, on account of the levy-money and subsidy payable to the King of *Denmark*, pursuant to the treaty bearing date the 2nd day of *March*, one thousand seven hundred and thirty; for the year one thousand seven hundred and thirty nine; and any sum or sums of money not exceeding five hundred thousand pounds, towards enabling his Majesty to make such further augmentation of his forces either by sea or land, as may become absolutely necessary, and as the exigency of affairs may require; and the sum of sixty thousand pounds, being the sum acknowledged to be due from *Great Britain* to *Spain*, and agreed by the King of *Spain* in the convention between *Great Britain* and *Spain*, bearing date at the *Paro* the fourteenth day of *January*, one thousand seven hundred and thirty nine: new ^{70,583 l. 6 s. 8 d. subsidy to the King of Denmark.} stile, to be applied, together with the further sum of ninety five thousand pounds, to be advanced by the crown of *Spain*, towards making satisfaction to his Majesty's injured subjects, for the damages they have sustained by the depredations of the *Spaniards*; and any sum or sums of money not exceeding five thousand ^{500,000 l. for the augmentation of forces.} pounds for making satisfaction to *Solomon Merritt* of *London* merchant, for himself and others late owners of the ship *Santa Ysabella*, a *Spanish* man of war taken by his late Majesty's fleet near *Sicily*, in the year one thousand seven hundred and eighteen, and sold to them; which ship was afterwards delivered up to the *Spaniards*, pursuant to a treaty between the two crowns. ^{60,000 l. for the Spanish depredations.} ^{5,000 l. satisfaction to Solomon Merritt.}

XV. And be it enacted, That the said aids or supplies provided as aforesaid shall not be issued and applied to any use, intent, or purpose whatsoever, other than the uses and purposes before mentioned, or for the several deficiencies or other payments directed to be satisfied thereout by any particular clause or clauses for that purpose contained in any other act or acts of this present session of parliament.

The aids not to be misapplied.

XVI. And as to the said sum of thirty nine thousand one hundred twenty four pounds, nineteen shillings, and two pence, by this act appropriated on account of half-pay, as aforesaid; it is hereby enacted and declared by the authority aforesaid, That the rules herein after prescribed shall be duly observed in the application thereof; that is to say, That no person shall have or receive any part of the same, who was a minor, and under the age of sixteen years, at the time when the regiment, troop, or company, in which he served, was reduced; and that no person shall have or receive any part of the same, except such persons who did actual service in some regiment, troop, or company; that no person having any other place or employment of profit, civil or military, under his Majesty, shall have or receive any part of the said half-pay; that no chaplain of any garrison or regiment, who has any ecclesiastical benefice in *Great Britain* or *Ireland*, shall have or receive any of the said half-pay; that no person shall have or receive any part of the same, who hath resigned his commission, and has had no commission since; that no

Rules for the application of half-pay,

part

part of the same shall be allowed to any person by virtue of any warrant or appointment, except to such persons, who would have been otherwise intitled to the same as reduced officers; and that no part of the same shall be allowed to any of the officers of the five regiments of dragoons, and eight regiments of foot, lately disbanded in Ireland, except to such as were lately taken off the establishment of half-pay in Great Britain.

XVII. *And whereas by act of parliament made in the eleventh year of his Majesty's reign, intituled, An act for granting to his Majesty the sum of two millions for the service of the year one thousand seven hundred and thirty eight; and for paying to the governor and company of the bank of England, one million for redeeming an annuity of forty thousand pounds payable to them, and for the further appropriating the supplies granted in this session of parliament; several supplies which had been granted to his Majesty, as is therein mentioned, were appropriated to several uses and purposes therein expressed, amongst which, any sum or sums of money not exceeding forty one thousand nine hundred fifty nine pounds, fifteen shillings and ten pence, was appropriated to be paid to the reduced officers of his Majesty's land forces and marines, subject nevertheless to such rules to be observed in the application of the said half-pay, as in and by the aforesaid act were prescribed in that behalf; now it is hereby provided, enacted, and declared by the authority aforesaid, That so much of the said sum of forty one thousand nine hundred fifty nine pounds, fifteen shillings, and ten pence, as is or shall be more than sufficient to satisfy the said reduced officers according to the rules by the said act prescribed to be observed in the application thereof, or any part of such overplus, shall or may be disposed of to such officers who are maimed or lost their limbs in the late wars, or such others as by reason of their long service or otherwise, his Majesty shall judge to be proper objects of charity, or to the widows or children of such officers, according to such warrant or warrants under his Majesty's royal sign manual, as shall be signed in that behalf; any thing in this act or the said former act to the contrary notwithstanding.*

The overplus of last year's half-pay, how to be applied.

Clause in favour of persons who have inadvertently omitted to pay the duties on taking apprentices, &c.

XVIII. And, for the relief of any person or persons who through neglect or inadvertency have omitted to pay the several rates and duties, or any part thereof, upon monies given, paid, contracted or agreed for, with or in relation to any clerk, apprentice or servant, which hath been put or placed to or with any master or mistress, to learn any profession, trade or employment, and to have such indentures, or other writings which shall contain the covenants, articles, contracts or agreements relating to the service of such clerk, apprentice or servant, stamped within the times by the several acts of parliament for those purposes respectively limited, or who have also in like manner omitted to insert and write in words at length in such indentures or other writings as aforesaid the full sum or sums of money or any part thereof received, or in any wise directly or indirectly given, paid, agreed or contracted for, with, or in relation to every such clerk,

ap-

apprentice or servant as aforesaid; be it enacted by the authority aforesaid; That upon payment of the rates and duties upon monies or such part of such monies so neglected or omitted to be paid as aforesaid, on or before the first day of *August*, one thousand seven hundred and thirty nine, to such person or persons to whom the same ought to be paid, and tendering the said indentures or other writings to be stamped at the same time, or at any time on or before the twenty ninth day of *September*, one thousand seven hundred and thirty nine (of which timely notice is to be given in the *London Gazette*) the same indentures or other writings shall be good and available in law or equity, and may be given in evidence in any court whatsoever; and the clerk, apprentice or servant therein named shall be capable of following and exercising their respective intended trades or employments, as fully as if the said rates and duties so omitted had been duly paid, and the full sum or sums received or agreed for as aforesaid had been inserted; and the persons who have incurred any penalties by the omissions aforesaid, shall be acquitted and discharged of and from the said penalties; any thing in this or the said former acts to the contrary in any wise notwithstanding.

C A P. XX.

An act for enlarging the term and powers granted by two acts of parliament, one made in the sixth year of the reign of her late majesty Queen Anne, and the other in the seventh year of the reign of his late majesty King George the First, for repairing and enlarging the highways between the top of Kingsdown-hill, and the city of Bath; and for amending several other highways leading to the said city; and for cleaning, paving, and enlightning the streets, and regulating the chairmen there; and for keeping a regular nightly watch within the said city and liberties thereof.

The two first mentioned acts are further continued for 21 years, &c.

C A P. XXI.

An act for taking off the duties upon woollen and bay yarn imported from Ireland to England, and for the more effectual preventing the exportation of wool from Great Britain, and of wool, and wool manufactured, from Ireland to foreign parts.

Most gracious Sovereign,

WHEREAS in the book of rates annexed to the act of tonnage and poundage, made in the twelfth year of the reign of King Charles the Second a particular rate of three pounds, six shillings, and eight pence, for every hundred weights, containing one hundred and twelve pounds, was fixed upon woollen or bay yarn imported; according to which rate a subsidy of twelve pence in the pound was thereby payable to his Majesty: and whereas according to the said rate a further subsidy of poundage of twelve pence in the pound on woollen or bay yarn was granted to your Majesty for your life (which God long preserve)

preserve); by an act made in the first year of your reign: and whereas by an act made in the second year of her late majesty Queen Anne, another subsidy was granted on the importation of woollen or bay yarn in proportion to the said rate, commonly called, The one third subsidy; and by an act passed in the third year of her said late Majesty, another subsidy was granted on the importation of woollen or bay yarn, commonly called, The two thirds subsidy; all which acts, which granted the said several subsidies commonly called, The old subsidy, One third subsidy, and Two thirds subsidy (except the act for the said further subsidy; which is granted to your Majesty during your life) are by several subsequent acts of parliament continued for ever, subject to redemption by parliament: and whereas the taking off the duties upon woollen or bay yarn imported from Ireland, may be a means to prevent the exporting wooll and woollen manufactures from Ireland to foreign parts, and may be of use to the manufactures of Great Britain: we your Majesty's most dutiful and loyal subjects the commons of Great Britain in parliament assembled do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of May, in the year of our Lord one thousand seven hundred and forty, the said several subsidies payable to your Majesty, your heirs and successors, by any law now in force, upon woollen or bay yarn imported from Ireland after that time shall cease and determine, and be no longer payable.

Duties on
woollen or
bay yarn from
Ireland taken
off.

Treasury to
make an ac-
count of the
said duties for
the last 7 years,

II. And to the end that his sacred Majesty, nor any of the publick creditors, or other person or persons, bodies politick or corporate, who are intitled to any part, share or interest in the monies arising by the said duties on bay yarn and woollen yarn imported into this kingdom from the kingdom of Ireland, as aforesaid, may suffer by the ceasing and determining thereof; be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners of his Majesty's treasury now being, or the high treasurer or any three or more of the commissioners of the treasury for the time being, and they are hereby enjoined and required, on or before the twenty fifth day of December, in the year of our Lord one thousand seven hundred and thirty nine, to cause an account to be made up and stated of the monies which shall have arisen by the said duties on bay yarn and woollen yarn for seven years last past.

the medium
whereof to be
charged an-
nually on the
aggregate
fund.

III. And it is hereby further enacted, That the medium of the monies which have arisen by the said duties within the said seven years, shall be a certain annual sum to be charged on the fund called the *Aggregate Fund*; and being so charged; shall from time to time be issued, paid, distributed and applied to make good to his Majesty, during his natural life (which God long preserve) and to the several publick creditors, or other person or persons, bodies politick or corporate, having interest or security in the monies arising by the said duties on bay yarn and woollen yarn, the

the like parts, shares or proportions out of the said annual sum, as the monies arising by the said duties on bay yarn and woollen yarn would have been appropriated and applied, in case the said duties had been continued, and not been determined by this act.

IV. Provided nevertheless, That nothing in this act contained shall extend, or be construed to extend to take off, or cause to cease and determine the duties upon worsted yarn, being of two or more threads twisted or thrown, or cruel, imported into Great Britain from the kingdom of Ireland. Proviso.

V. And whereas notwithstanding the several laws made to prevent the exportation of wooll unmanufactured from this kingdom and Ireland to foreign parts, such exportation is notoriously continued: Now for the better preventing such exportation of wooll from thence, and securing the same to be manufactured within this kingdom; be it further enacted by the authority aforesaid, That all wooll, and woollen and bay yarn, wooll-fells, shortlings, mortlings, wooll-flocks, worsted yarn, cloth, serge, bays, kerseys, says, frises, druggets, cloth-ferges, shalloons, stuffs, and other draperies and woollen manufactures or mixed with wooll or wooll-flocks, which shall from time to time be exported from the said kingdom of Ireland, from and after the first day of May, in the year of our Lord one thousand seven hundred and forty, into the ports of this kingdom, hereafter mentioned, shall be shipped off, and entered at the ports of Dublin, Waterford, Youghall, Kinsale, Cork, Drogheda, New Ross, Newry, Wexford, Wicklow, Sligoe, Limerick, Galway, and Dundalk, in the said kingdom of Ireland, and at or from no other port or place within the said kingdom; nor shall the same be imported into any parts of the kingdom of Great Britain, other than the ports of Biddeford, Barnstaple, Minehead, Bridgewater, Bristol, Milford-haven, Chester and Liverpool, in the same manner as if the said ports of Newry, Wexford, Wicklow, Sligoe, Limerick, Galway and Dundalk, had been particularly named for exportation of the said goods, in the act passed in the tenth and eleventh year of the reign of the late King William the Third, intituled, *An act to prevent the exportation of wool out of the kingdom of Ireland and England, and for other purposes therein mentioned*; any thing in this or any other act to the contrary thereof in any wise notwithstanding. Ports of exportation of wool in Ireland, and importation in England. 26 Geo. 2. c. 11. 10 Will. 3. c. 19.

VI. And the better to prevent the exportation of wooll or woollen yarn, and the other species of wooll or woollen manufactures before mentioned, from Ireland into foreign parts; be it further enacted by the authority aforesaid, That from and after the twenty fifth day of December, in the year of our Lord one thousand seven hundred and thirty nine, no wooll, or any of the said goods, shall be loaden or laid on board any ship, vessel, or boat in Ireland, or imported or brought from thence into this kingdom, but in such ships, vessels, or boats, as shall be of the built of Great Britain or Ireland, and which shall be wholly owned and manned by the subjects of this kingdom, or Ireland, Ships how to be qualified for loading wooll.

Ireland, and duly registered in such manner and form as herein after mentioned ; under the penalty of the forfeiture of the said goods, or the value thereof, as also of the ship, vessel or boat, in which the same shall be laden or put on board, together with all her guns, ammunition, tackle, apparel and furniture.

Wooll to be
exported in
vessels only of
the built of
Great Britain
Ireland.

VII. And be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of *December*, one thousand seven hundred and thirty nine, no ship or vessel whatsoever shall be deemed or pass as a ship of the built of *Great Britain* or *Ireland*, so as to be qualified to load or take on board in any of the ports of *Ireland*, herein appointed for that purpose, any wool, woollen or bay yarn, or other the species before mentioned, in order to import or bring the same into the ports of *Great Britain* in this act mentioned and appointed for that purpose, until the person or persons claiming property in such ship or vessel, shall register the same as followeth (that is to say) proof shall be made upon the oath, or affirmation in case the person be a *Quaker*, of one or more of the owners of such ship or vessel, before the collector and comptroller of his Majesty's customs in such port of *Great Britain* or *Ireland* respectively, to which such ship or vessel shall belong ; which oath or affirmation the said officers of the customs respectively are hereby authorized to administer in the tenor following ; that is to say,

I A. B. do make oath (or, being a Quaker, do solemnly affirm) that the ship of whereof is at present master being built of tons, was built at in the year and that of and of are at present owners thereof ; and that no foreigner, directly or indirectly, hath any share, part or interest therein.

a certificate of which oath or affirmation, attested by the collector and comptroller of the customs who administer the same, under their hands and seals, shall, after having been registered by them, be delivered to the master of the ship for the security of her navigation ; a duplicate of which register shall be immediately transmitted to the commissioners of his Majesty's customs in the port of *London*, in order to be entered in the general register, to be there kept by them for this purpose.

Ship's name
not to be alter-
ed, without
registering the
same again.

VIII. And be it further enacted by the authority aforesaid, That no ship's name registered shall be afterwards changed, without registering such ship again, which is hereby required likewise to be done upon any transfer of property to another port, and delivering up the former certificate to be cancelled, under the same penalties, and in the like method, as is herein before directed : and that in case any alteration of property in the same port, by the sale of one or more shares in any ship, after registering thereof such sale, shall always be acknowledged by indorsement of the certificate of the register, before two witnesses, in order to prove that the intire property in such ship remains to some of the subjects of *Great Britain* or *Ireland*, if any dispute arises concerning the same.

and alteration
of property: to
be indorsed.

IX. And

IX. And whereas great quantities of wooll have been clandestinely exported under the denomination of coverlids, waddings, and other manufactures made of wooll, whereas the same was only wooll slightly wrought, or stitched together, and may be reduced to wooll again, by which practice the unfair traders have evaded the good laws made to prevent the exportation of wooll; for preventing the like practices Penalty on exporting wooll slightly wrought. for the future, be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of *December*, one thousand seven hundred and thirty nine, no coverlids, waddings, or other manufactures, or pretended manufactures, made of wooll slightly stitched, worked, or otherwise put together, so as the same may be reduced to, and made use of as wooll again, or matraffes, or beds stuffed with combed wool, or wooll fit for combing, shall be exported from *Great Britain* or *Ireland* to parts beyond the seas, under the like penalties and forfeitures which are by any law in being inflicted on persons concerned in the exportation of wooll.

X. And be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of *December*, one thousand seven hundred and thirty nine, no wooll, wooll-fells, mortlings, shortlings, wooll-flocks, worsted, bay or woollen yarn, shall be packed up in *Great Britain* or *Ireland*, in any box, barrel, cask, case, chest, or any other package, but in packs or trusses of leather or canvas commonly called *pack-cloth*; and all such packs or trusses of leather or canvas shall be stamped or marked on the outside thereof with the respective words *Wooll* or *yarn*, in large letters, not less than three inches in length, under the penalty and forfeiture of all such wool, or other the goods aforesaid, with the package thereof, and three shillings for every pound weight thereof, to be paid by the owner or packer of such wooll or yarn. Wool in what to be packed up.

XI. And for preventing any fraudulent transportation of wool, wooll-fells, mortlings, shortlings, combed wooll, woollen or bay yarn, worsted yarn, cruels, or wooll slightly manufactured, under pretence of carrying the same coast-wise in *Great Britain* or *Ireland*, be it further enacted by the authority aforesaid, That no wooll, wooll-fells, mortlings, shortlings, combed wooll, woollen or bay yarn, worsted yarn, cruel, or wooll slightly manufactured as aforesaid, shall, from and after the said twenty fifth day of *December*, one thousand seven hundred and thirty nine, be put or laden on board any ship, vessel, or boat, bound to parts beyond the seas, or shall be carried or laden in order to be carried in any ship, vessel, bottom, or boat coastwise, or from one port of *Great Britain* or *Ireland* to another, unless notice be first given to the commissioners or chief managers of the customs, or to the customer or collector and comptroller of the port from which the same is intended to be sent or exported, of the quantity, quality, and package, together with the marks and numbers thereof, with the name of the ship and master or commander on which the said goods are to be laden, as likewise the name, or names of the owner or owners of the said goods, and No wooll to be exported but upon notice given to the commissioners of the customs, &c.

Security for
the landing it,

and a licence
taken.

Bonds not to
be discharged
but upon pro-
ducing a cer-
tificate.

Forfeiture on
default.

No other se-
curity hereby
lessened, or
law avoided.

the place of his or their abode or habitation, and the place and port into which the same are intended to be imported, and to whom consigned; and unless bond be first entered into to the use of his Majesty, his heirs and successors, with one or more sufficient securities, in treble the value of the goods so intended to be carried coastwise, that the same shall (the danger of the seas excepted) be landed accordingly; due notice whereof shall be forthwith transmitted by the customer or collector and comptroller of the port, from whence the same shall be exported, to the customer or collector and comptroller of the port into which the same is intended to be imported, and entry made, in the manner required by this or any other act; and unless a licence be also first taken under the hands of the commissioners or chief managers of the customs for the time being, or any three of them, or from the customer or collector and comptroller where such bond is given for the landing and carrying thereof, as aforesaid; which licence they are hereby required to grant without any fee or reward, or any other charge to the person demanding the same; any law, statute, or usage to the contrary in any wise notwithstanding: and all such bonds so entered into for the carrying such goods coastwise in *Great Britain* or *Ireland*, shall not be discharged, but by producing a certificate under the hand and seal of the customer or collector and comptroller of the port or place in *Great Britain* or *Ireland* where such goods were landed, setting forth the quantity, quality, and package, together with the marks and numbers thereof, with the name of the ship and master out of which such goods were landed; and that all such bonds as shall remain undischarged by such certificate after six months, shall be transmitted to the commissioners of the customs in *Great Britain*, or the commissioners of the revenue in *Ireland*, who are hereby required to put them in suit immediately: and if any wooll, wooll-fells, mortlings, shortlings, combed wooll, woollen or bay yarn, worsted yarn, cruels, or wooll slightly manufactured, shall be carried or laden on board any ship, vessel, bottom, or boat, in order to be carried coastwise, or from one port to another port, before such bond entered into, and such licence taken out as aforesaid, and before all the directions of this and every other act made to prevent the transportation of any of the goods aforesaid shall be fully and duly complied with, so far as the same relate to the exporter or proprietor of such goods; or, if any of the said goods shall be laden on board any ship, vessel, or boat, bound to parts beyond the seas; then all such goods as shall be so carried and laden, or the value thereof, shall be forfeited and lost, together with the ship, vessel, bottom, or boat, on which such goods shall be so laden or put on board, with all her guns, ammunition, tackle, apparel, and furniture.

XII. Provided nevertheless, That nothing herein contained shall extend, or be construed to extend, to alter or lessen any other security now required by law for goods carried coastwise, or to repeal or make void any law now in force in *Great Britain* or

or *Ireland* made to prevent the exportation of wooll, or any the goods or commodities aforesaid.

XIII. And for the better preventing frauds that may be practised in the collusive landing any wooll or woollen yarn from *Ireland*, or in the shipping or landing any of the said goods carried coastwise, be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of *December*, one thousand seven hundred and thirty nine, none of the said goods imported into this kingdom from *Ireland*, nor any of the said goods carried coastwise within this kingdom or *Ireland*, shall be landed or shipped, but in the presence of the proper officers appointed to attend the same, nor at any other place or places, than the lawful quays set out in the manner prescribed by the act of frauds, passed in the fourteenth year of King *Charles* the Second, for ^{13 & 14 Car. 2. c. 11.} *England*, *Wales*, and *Berwick upon Tweed*, and by the act passed in the sixth year of the reign of her late majesty Queen *Anne*, ^{6 Ann. c. 26.} for settling a court of *Exchequer* in *Scotland*, for that part of the united kingdom, without special sufferance and leave had from the commissioners and officers of the customs, or at such quays in *Ireland*, as are or shall be appointed according to the laws of that kingdom, on pain of forfeiting the said goods, or the value thereof, and three shillings for every pound weight of such goods, to be paid by the owner or proprietor thereof, or any person concerned in such unlawful shipping or landing, to be prosecuted and recovered as hereafter is directed; any law custom, or usage to the contrary notwithstanding.

XIV. And in order to prevent any fraudulent practices by officers or other persons in making collusive seizures, or by entering informations, and making private or secret agreements, whereby may be evaded any of the forfeitures or penalties inflicted by law to prevent the transporting out of this kingdom any wooll, wooll-fells, wooll-flocks, mortlings, shortlings, worsted, bay or woollen yarn, fullers-earth, fulling-clay, tobacco-pipe-clay, or any other scouring clay or earth, or to prevent the illegal transporting out of *Ireland* any of the said goods, or of cloth, serge, bays, kerseys, says, frizes, druggets, cloth-^{None but officers to enter informations of seizures;} serges, shalloons, or any other drapery stuffs, or woollen manufactures whatsoever, made up or mixed with wooll or wooll-flocks; be it further enacted by the authority aforesaid, That it shall not be lawful for any person or persons whatsoever, other than the officers of some or one of the revenues of customs or excise or salt-duties, to enter any information of seizure of any wooll, wooll-fells, or other species of goods before enumerated, as forfeited by virtue of this or any other act; nor shall it be lawful for any person or persons whatsoever, to enter, or cause or procure to be entered, filed, or prosecuted, any information or informations against any person or persons for the recovery of any penalty or forfeiture aforesaid, unless such information or informations be filed and prosecuted in the name of his Majesty's attorney general, or in the name or names of some officer, ^{to be prosecuted in the name of his Majesty's attorney general's or their names, only.} or officers of some or one of the aforesaid revenues of customs, excise

excise, or salt-duties in *Great Britain* or *Ireland*; and if any information of seizure of any of the goods before mentioned shall be made or prosecuted by any person or persons whatsoever, other than in the name of the attorney general, or in the name of some officer of his Majesty's revenue as aforesaid; the same and all the proceedings thereupon had, are hereby declared to be null and void; as is also every other information or informations, with all the proceedings thereon, which shall be filed or entered for any of the penalties aforesaid, in the name or names of any other person or persons than as herein before-mentioned; any law, or custom to the contrary notwithstanding.

This act not to take away the power of the King's guard-ships,

10 & 11 Will.
3. c. 10.

5 Geo. 2.
c. 21.

Penalties for collusive seizures, on officer,

and owner.

to go to the informer.

Encouragement to offenders to discover their accomplices.

XV. Provided nevertheless, That nothing in this act contained, shall extend, or be construed to extend, to take away the power given to the commanders and officers of his Majesty's ships of war, or the armed sloops appointed or to be appointed by the lords commissioners of the admiralty, or the lord high admiral for the time being, to guard against the transportation of wooll out of the kingdom of *Great Britain* or *Ireland*, pursuant to an act made in the tenth and eleventh year of King *William* the Third, intituled, *An act to prevent the exportation of wooll out of the kingdoms of Ireland and England, and for the encouragement of the woollen manufactures of the kingdom of England*; and another act passed in the fifth year of his present Majesty's reign, intituled, *An additional act for encouragement of the woollen manufactures of this kingdom, by the more effectual preventing the unlawful exportation of the woollen manufactures of the kingdom of Ireland to foreign parts, or by any other act.*

XVI. And be it further enacted by the authority aforesaid, That if any officer of the revenue shall directly or indirectly make any collusive seizure or information of any of the said goods, or any fraudulent or collusive agreement whatsoever, whereby the owner or claimer thereof, their agents or servants, may avoid the forfeitures and penalties, or any part thereof, incurred by this or any other act made to prevent the transportation of wooll, or any of the other species of goods before mentioned; he shall, for such offence, forfeit the sum of two hundred pounds, and also be rendered incapable of serving his Majesty in any office or employment in the revenue; and also the exporters, importers, and owners of the goods so collusively seized, or with whom such collusive agreement shall be made, shall forfeit treble the value thereof; and all such penalties and forfeitures shall be to the use of him or them who shall inform or sue for the same, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of *Exchequer* in *Scotland*, or in any of his Majesty's courts of record at *Dublin*; wherein no essoin, protection, or wager of law, or any more than one imparlance shall be allowed.

XVII. Provided Nevertheless, That any person whatsoever concerned in any such collusive or fraudulent seizure or agreement, who shall first discover such his offence to the commissioners of the customs in *England* or *Scotland* for the time being, or the

the commissioners of the revenue in *Ireland* for the time being respectively, shall be clearly acquitted and discharged thereof, provided he makes such discovery within the space of three months after the offence shall have been committed, and so as any one or more of his accomplices therein be convicted thereof; and if such person first making such discovery as aforesaid, within the time aforesaid, be not an officer of the revenue, or owner of the goods, he shall, as a further encouragement for making such discovery, have and receive to his own use and benefit the whole money which on the conviction or convictions of such offender or offenders shall be recovered from him, her or them, and be levied on his, her, or their estate or effects, the charges of prosecution being first thereout deducted.

XVIII. And be it further enacted, That all actions, suits, and informations, to be had and commenced upon this, or any other acts for preventing the exportation of wooll, wooll-fells, wooll-flocks, mortlings, shortlings, worsted, bay or woollen yarn, cruels, or wooll slightly manufactured, or matrasles, or beds stuffed with combed wooll, or wooll fit for combing, fullers-earth, fulling-clay, tobacco-pipe-clay, or any other scowring earth or clay from *Great Britain* or *Ireland*; or for preventing the exportation from *Ireland* into foreign parts, of cloth, serges, bays, kerseys, frizes, druggets, shalloons, stuffs, cloth-serges, or any other drapery made of or mixed with wooll manufactured in *Ireland*, may be entered and prosecuted (except where it is in this act otherwise directed) in any of his Majesty's courts of record at *Westminster*, or in the court of *Exchequer* in *Scotland*; or at the quarter sessions of the peace, or before any two justices of the peace for any county, city, or place in this kingdom, in a summary way, at the election of the seizer or informer, or by any law relating to the revenue of *Ireland*, in that kingdom; wherein no esoin, protection, or wager of law shall be allowed, or any more than one imparlance; and if the property thereof be claimed by any person or persons, in such case the *onus probandi* shall lie upon the owner or claimer thereof, and not on the officer or seizer; any thing in this or any other act contained to the contrary notwithstanding.

Informations and actions where to be entered and prosecuted.

onus probandi to lie upon the owner,

XIX. And be it further enacted by the authority aforesaid, That all the forfeitures and penalties before in this act mentioned and appointed, except where the same is otherwise directed by this act, shall be to the use of such person or persons as shall seize, inform, or sue for the same, in the manner herein before directed.

XX. And be it further enacted by the authority aforesaid, That on the condemnation of any wooll, or any other of the species of goods before enumerated, the said respective commissioners shall and may cause all such goods to be publicly sold to the best bidder, at such places as the said commissioners shall think proper; any law, custom, or usage to the contrary in any wise notwithstanding, and out of the produce of such sale, they shall cause to be paid all charges of condemnation and sale,

and the remainder to such person or persons who shall seize, inform, or sue for the same as aforesaid.

Officer making seizure upon information, the informer to have half.

XXI. Provided always, and be it declared and enacted by the authority aforesaid, In case any officer of the customs, excise, or salt-duty, shall receive any information from any other person or persons, whereby any seizure of the said goods shall be made, or any prosecution shall be commenced and carried on to effect; such person or persons shall have and receive to his own benefit one half of what shall be recovered, levied, and received by any such officer, as a reward for his information or discovery; any thing herein contained to the contrary notwithstanding.

Provision where the offender is unable to pay the 3s. penalty.

XXII. And be it further enacted and declared by the authority aforesaid, That if any person or persons, offender or offenders, shall, by conviction, judgment, or otherwise, become liable to the payment of the penalty of three shillings *per* pound weight, inflicted by this or any former act made to prevent the exportation of wool, for such wool, or other the species before-mentioned, and shall not be of sufficient ability to pay the same, by which means the informer or prosecutor will lose the benefit of such his information and prosecution; then and in such case it shall and may be lawful for the respective commissioners to cause one shilling *per* pound weight for all such of the said goods; for which such offender or offenders shall be convicted, to be paid by the receiver general of the revenue under the management of the respective commissioners, out of any publick money in his hands; and the money paid by any receiver general, cashier, or other officer as aforesaid, shall be accepted of and allowed in his accounts, as so much money paid to his Majesty; and every such officer is and shall be hereby discharged thereof accordingly; any law, custom, or usage to the contrary notwithstanding.

Encouragement to masters or mariners of ships, employed in clandestine exporting of wool, to make discovery thereof.

XXIII. Provided always, and be it further enacted by the authority aforesaid, That from and after the twenty fifth day of *December*, one thousand seven hundred and thirty nine, if the master of any ship or vessel employed in the clandestine exporting to parts beyond the seas, from *Great Britain* or *Ireland*, any wool, wool-fells, wool-flocks, mortlings, shortlings, worsted, pay or woollen yarn, cruels or wool slightly manufactured, or mattraffes, or beds stuff with combed wool, or wool fit for combing, or any fullers-earth, fulling-clay, tobacco-pipe-clay, or any other scouring earth or clay, or in the clandestine importing from *Ireland* any woollen cloth, serges, bays, kerseys, sayes, frizes, druggets, cloth-serges, shalloons, or any other drapery stuffs; or woollen manufacture, made and manufactured in *Ireland*; or if the mate or any of the mariners of such ship or vessel shall give an account in six months after such shipping or exporting any of the goods before-mentioned, to the commissioners of the customs in *England* or *Scotland*, or to the commissioners of the revenues in *Ireland* respectively, of the name of the ship or vessel, and the species and quantities of such goods so clandestinely exported or shipped for export

exportation to parts beyond the seas, together with the name of the owner or owners, exporter or exporters of such goods, or the name of the person or persons who act in his or their aid and assistance, so as he or they may be prosecuted and convicted for such his or their offence or offences committed against this or any other act made to prevent the illegal exportation of wool, or any the species or goods before-mentioned; such master, mate, or mariner, shall not only be indemnified for so doing, but shall be clearly acquitted and discharged from any the pains, penalties, and forfeitures he or they are by law subject to for such his or their offence or offences; and shall also have and receive three fourth parts of the penalties or forfeitures, clear of charges, that shall be recovered and received by means of such their discovery; which the respective commissioners aforesaid are to cause to be paid and distributed in such manner and proportion as they shall think proper, and the other fourth part to his Majesty, his heirs and successors, after deducting the charges of prosecution and condemnation; any law, custom, or usage to the contrary notwithstanding.

XXIV. And to prevent any dispute relating to the authority of any person or persons acting as an officer or as officers of the customs, excise, or salt-duties in *Great Britain* or *Ireland*, for the putting in execution this act, or any other act or acts of parliament relating to those revenues, or made against the transportation of wool; be it further enacted by the authority aforesaid, That every person, who by deputation, commission, or other instrument, under the hands and seals of the commissioners of the customs, excise, or salt, in *Great Britain* or *Ireland* respectively, shall be appointed to act as an officer or servant under them, for putting this or any of the said acts in execution, shall be esteemed an officer of the customs, excise, or salt respectively, to all intents and purposes in the law whatsoever.

XXV. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall offer or promise to give any bribe, recompence, or reward whatsoever, to any officer or officers of the customs, excise, or salt in *Great Britain* or *Ireland*, to connive at or permit the transportation or the concealment of any wool, wool-flocks, wool-fells, mortlings, shortlings, yarn made of wool, cruels, or wool slightly manufactured, or mattrasses, or beds stuffed with combed wool, or wool fit for combing, fullers-earth, fullers-clay, and tobacco-pipe-clay, or any other scouring earth or clay; or to the removing thereof, contrary to this or any other act made against the transportation thereof; or to do, conceal, or connive at any other act, whereby any of the provisions made by this or any other law as aforesaid may be evaded or broken; every such person and persons shall for every such offence (whether the same offer, proposal, or promise be accepted, or performed or not) forfeit the sum of three hundred pounds, to be recovered and applied to the use of him or them who shall inform or sue for the same by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at

Persons qualified to put this act in execution.

300l. penalty on offering to bribe an officer.

at *Westminster*, or in the court of *exchequer* in *Scotland*, or in any of his Majesty's courts of record at *Dublin*; wherein no *essoins*, protection, or *wager of law*, or any more than one *imparlance* shall be allowed.

Persons opposing officers in their duty, deemed felons.

XXVI. And for the more effectual putting this act in execution, be it further enacted by the authority aforesaid, That if any officer or officers of the customs, excise, or salt, or any other person or persons that shall act in aid or assistance of any officer or officers of the customs, excise, or salt, in putting this act in execution, shall be hindered, opposed, obstructed, molested, wounded, or beaten, in seizing any wool, wool-fells, wool-flocks, mortlings, shortlings, woollen or bay yarn, or any other species of goods before enumerated, by any person or persons whatsoever, either in the day or night, by land or water; the person or persons that shall so hinder, oppose, obstruct, molest, wound, or beat any such officer or officers, or any person or persons who shall act in his or their aid or assistance in the making such seizures as aforesaid; or any other person or persons whatsoever, being armed with offensive arms or weapons, or wearing any vizard, mask, or other disguise, who shall rescue, or attempt to rescue any wool, or other the goods aforesaid, which shall be seized by any officer or officers of the customs, excise, or salt; every such person or persons that shall be convicted of any of the said offences, shall, by order of the court before whom such offender or offenders shall be convicted, be transported to some of his Majesty's colonies and plantations in *America*, for such term as such court shall think fit, not exceeding seven years, in the same manner as by an act made in the fourth year of the reign of his late majesty King George the First, of glorious memory intituled, *An act for the further preventing robbery, burglary, and other felonies, and for the more effectual transportation of felons, and unlawful exporters of wool; and for declaring the law upon some points relating to pirates*; and by one other act made in the sixth year of the reign of his late Majesty, intituled, *An act for the preventing robbery and other felonies, and for the more effectual transportation of felons*, the offenders therein mentioned are to be transported to the said colonies and plantations; and if any such offender or offenders shall return into *Great Britain* or *Ireland*, before the expiration of the time for which such person shall be transported, contrary to the intent and meaning hereof, he or they so returning shall suffer as felons, and have execution awarded against them as persons attainted of felony, without benefit of clergy.

XXVII. And whereas by an act passed in the fourth year of his late majesty King George the First, intituled, *An act for the further preventing robbery, burglary, and other felonies, and for the more effectual transportation of felons, and unlawful exporters of wool, and for declaring the law upon some points relating to pirates*, it is enacted, That if any person or persons shall be in prison for want of sufficient bail, for unlawful exportation of wool or wool-fells, and shall refuse to appear or plead to a declaration or information to be delivered to such person or persons, or to the gaoler, keeper, or

or turnkey of the prison, at the said prison, for the said offence, by the space of one term, judgment shall be entred against him by default; and in case judgment shall be obtained against any such person or persons by default, verdict, or otherwise, and such person or persons shall not pay the sum recovered against him or them for the said offence within the space of three months after entering up of such judgment, the court before whom such judgment shall be obtained, shall by order of court cause such offender or offenders to be transported in the same manner as felons aforesaid, for the term of seven years; and if such offender or offenders shall return into Great Britain or Ireland before the expiration of the said seven years, he or they shall suffer as felons, and have execution awarded against them as persons attainted of felony, without benefit of clergy: and whereas the said act extended only to the person or persons who actually exported the wool or wool-fells, but not to their aiders or abettors; be it therefore enacted by the authority aforesaid, That the said act, and every thing therein contained, so far as the same concerns the exporters of wool or wool-fells, shall extend or be construed to extend to all and every person and persons who act as aiders or abettors to such exporters of wool or wool-fells, as fully, to all intents and purposes, as if the same was repeated and re-enacted in the body of this act.

Act 4 Geo. II. c. 11. to extend to the abettors of exporters of wool.

XXVIII. Provided always, and be it further enacted, That all bonds taken or to be taken pursuant to this act, shall not be chargeable with any the duties upon stamp vellum, parchment, or paper; any law or statute made or to be made to the contrary notwithstanding.

Bonds not chargeable with the stamp-duties.

XXIX. And whereas it is found by experience that great quantities of wool, wool-fells, wool-flocks, mortlings, shortlings, cruels, worked, woollen and bay yarn, mattrasses, and beds stuffed with combed wool, or wool fit for combing, are frequently exported from Great Britain or Ireland in foreign parts, and of woollen manufactures from Ireland into foreign parts, to the great prejudice of the woollen manufacture of this kingdom; which practice hath of late been much increased and promoted by evil disposed persons, who, notwithstanding the laws already made, do undertake as insurers or otherwise, that such goods shall be delivered in parts beyond the seas: for preventing so great a mischief for the future, be it further enacted by the authority aforesaid, That from and after the twenty fifth day of December, one thousand seven hundred and thirty nine, all and every person or persons whatsoever, who by way of insurance or otherwise shall undertake or agree, that any of the goods or merchandizes before-mentioned shall be carried or conveyed to any parts beyond the seas from any port or place whatsoever within this kingdom or Ireland, contrary to the true intent and meaning of this act; or in pursuance of such insurance, undertaking, or agreement, shall deliver or cause or procure to be delivered any of the said goods in any parts beyond the seas, such person or persons, and all every their aiders, abettors, and assistants, shall for every such offence forfeit and lose the sum of five hundred pounds, to the use of the informer or prosecutor,

500l. penalty on insuring or procuring wool to be landed in foreign parts.

over

over and above all other forfeitures and penalties to which they are liable by any act now in force.

The like penalty on the insured.

XXX. And be it further enacted by the authority aforesaid, That all and every person or persons whatsoever, who shall pay or agree to pay any sum or sums of money for the insuring, conveying, or exporting out of this kingdom or *Ireland*, contrary to the true intent and meaning of this act, any of the goods or merchandizes aforesaid; shall for every such offence forfeit and lose the sum of five hundred pounds to the use of the informer, or such person or persons as shall sue for the same.

Encouragement to persons insuring and insured, to make discovery.

XXXI. And be it further enacted by the authority aforesaid, That in case the insurer, conveyer, or manager, of or in such fraud, or the person or persons agreeing to insure, convey, or manage therein, do or shall within the space of six months after such transaction or agreement first give notice thereof to the commissioners of the customs in *England* or *Scotland* for the time being, or to the commissioners of the revenue in *Ireland* for the time being, so as the person or persons concerned with him, her, or them in such offence be convicted thereof; he, she, or they so first discovering, shall not only be clearly acquitted and discharged of such offence, and from the penalties to which he, she, or they is or are liable by reason thereof, but shall also have to his, her, and their own use, the whole forfeiture hereby imposed upon the party or parties making such insurance or agreement, after the charges of prosecution are deducted; and shall likewise retain and enjoy to his, her, or their own use the insurance-money or reward given or paid to him, her, or them, by the person or persons concerned with him, her, or them therein; and in case the party or parties insured shall within the like space of six months first make discovery thereof to the commissioners of the customs in *England* or *Scotland* for the time being, or to the commissioners of the revenue in *Ireland* for the time being, so as the person or persons concerned with him, her, or them in such offence, be convicted thereof; he, she, or they so first discovering, shall recover and receive back such insurance-money or premium, as he, she, or they hath or have paid upon such insurance or agreement; and in case the said insurance-money or premium shall not at the time of such discovery be actually paid, then the person or persons so first discovering, is and are hereby saved harmless, and indemnified from paying the same, or any part thereof; and all and every agreement and agreements entered into for paying such monies, is and are hereby declared to be null and void; and such person or persons so first discovering shall also have to his, her, and their own use the whole forfeiture imposed upon such insurer, conveyer, or manager as aforesaid, after charges of prosecution are deducted; and shall also be clearly acquitted and discharged of the forfeitures hereby imposed upon him, her, or them.

The said penalties how to be recovered.

XXXII. And be it further enacted, That all the said penalties and forfeitures incurred by the persons concerned in the fraudulent and illegal insurances, or agreements to insure, or be in-

insured, as before-mentioned, shall be sued for, prosecuted, and recovered in any court of record at *Westminster*, or in the court of *exchequer* in *Scotland* or *Ireland*, by action of debt, bill, plaint, or information, in the name of his Majesty's attorney general, or in the name of any officer of his Majesty's customs, excise, or salt duties; wherein no essoin, protection, or wager of law shall be allowed, or any more than one imparlance.

XXXIII. *And whereas policies of insurance are commonly made on goods and merchandizes, as well as on ships or vessels, wherein the insurer undertakes, in consideration of a premium given him by the assured, to bear all the risks and hazards of the voyage; and it is generally unknown to the insurers what sorts of goods and merchandizes are loaded on board any ship or vessel, whereby it frequently happens that insurances are made on wool or woollen yarn to be carried from Great Britain or Ireland to foreign parts beyond the seas, or on woollen manufactures to be carried from Ireland to foreign parts beyond the seas, as well as on ships or vessels having on board such wool or woollen yarn, or woollen manufactures from Ireland: and whereas the discouraging all such insurances may be a means to prevent the fraudulent exportation of wool and woollen yarn, and woollen manufactures from Ireland; be it therefore further enacted by the authority aforesaid, That all policies of insurance which, from and after the twenty fifth day of December, one thousand seven hundred and thirty nine, shall be made on goods and merchandizes loaden, or to be loaden, on any ship or vessel bound from Great Britain or Ireland to foreign parts beyond the seas, which shall afterwards appear to be wool or woollen yarn, or any other species of wool before-mentioned, or woollen manufactures from Ireland, and all policies of insurance, which, from and after the twenty fifth day of December, one thousand seven hundred and thirty nine, shall be made on any ship or vessel bound from Great Britain or Ireland to foreign parts beyond the seas, which shall have on board any wool or woollen yarn or any other species of wool before-mentioned, or woollen manufactures from Ireland, shall be deemed and taken to be null and void, notwithstanding any words or agreement whatsoever, which shall be inserted in any such policy of insurance; and nothing shall be recovered by the assured in either case from the insurer for loss or damage, or for the premium which shall have been given as the consideration for insuring such goods and merchandizes, ship or vessel; any law, custom or usage to the contrary notwithstanding.*

Insurances on
woollen goods
void.

XXXIV. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons, for any thing done in pursuance of this act; the defendant or defendants in such action or suit may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance, and by the authority of this act; and if it shall appear so to have been done, the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have ap-

General issue.

Treble costs.

appeared; or if judgment shall be given upon any verdict or demurrer against the plaintiff; the defendant or defendants shall and may recover treble costs, and have the like remedy for the same, as any defendant or defendants have in other cases by law.

CAP. XXII.

An act to rectify a mistake in an act made in the sixth year of the reign of his late majesty King George, for preventing frauds and abuses in the publick revenues of excise, customs, stamp duties, post-office, and house-money, relating to the condition of bonds taken from masters of ships; and to indemnify persons who have acted under the said mistake; and also to obviate a doubt which has arisen upon an act made in the seventh year of his said late Majesty's reign, for the further preventing his Majesty's subjects from trading to the East-Indies under foreign commissions; and for encouraging and further securing the lawful trade thereto, with regard to prosecutions in Ireland in a summary way, for the fraudulent importation of East India goods into that kingdom.

Preamble, reciting the act
6 Geo. I. C. 21.

WHEREAS in the record of an act passed in the sixth year of the reign of King George the First, intituled, An act for preventing frauds and abuses in the publick revenues of excise, customs, stamp duties, post-office, and house-money, is a clause which recites, That whereas divers ships and vessels of the burthen of fifty tons, or under, laden with tobacco, brandy, spirits, and other customable or prohibited goods, pretending to be bound for foreign parts, do frequently lie hovering on the coast of Ireland, with intention to run the same privately on shore, as opportunity offers, to the great diminution of his Majesty's revenue, and ruin of fair traders; and ships or vessels of the burthen of fifty tons, or under, do frequently lie hovering on that coast to take in wool not lawfully licensed, to be brought into England, and other staple commodities of Ireland prohibited to be exported; for the better preventing whereof it was declared and enacted by the said act, That from and after the first day of August, one thousand seven hundred and twenty, where any ship or vessel of the burthen of fifty tons, or under, laden with customable or prohibited goods, should be found at anchor, or hovering on the coasts of Ireland, within two leagues of the shore, and not proceeding on her voyage, wind and weather permitting, it should and might be lawful to and for any officer or officers of his Majesty's customs of that kingdom, to go on board every such ship or vessel, and to take an account of the lading, and to demand and take security from the master, or other person having or taking the charge or command of such ship or vessel in that voyage, by his own bond, by him to be entered into, unto his Majesty, his heirs and successors, in such sum or sums of money as should be treble the value of such goods then on board, with condition that such ship or vessel,

sel, as soon as wind and weather, and the state and condition of such ship or vessel did permit, should and would proceed regularly on such voyage, and should not land such goods (except wool lawfully licensed as aforesaid) in and at some foreign port or ports; and if such master or other person having or taking the charge or command of such ship or vessel should upon such demand refuse to enter into such bond, or having entered into such bond, should not depart or proceed regularly on such voyage as soon as wind and weather and the state and condition of such ship or vessel should permit, unless otherwise suffered to make a longer stay by the collector, or other principal officer in his absence, of such port where such ship or vessel should be, not exceeding twenty days; then and in either of the said cases all the goods so on board such ship or vessel should and might by any officer or officers of the customs, by direction of the collector or other principal officer as aforesaid, be taken out of and from such ship or vessel, and forthwith brought on shore and secured, and in case the said goods were customable, the customs and other duties should be paid for the same; and as concerning wool or any prohibited goods, or other goods liable to forfeiture, which might be found on board such ships or vessels at the time of their unlading, as aforesaid, the same are thereby declared to be subject to forfeiture, and the officers of the customs should and might prosecute the same, as also the ship or vessel, in case she should be liable to condemnation: and whereas there appears to be a mistake in the said recited clause in the act aforesaid, by the word [not] being inserted in the record thereof, between the word [shall] and the word [land] contrary to the meaning and intension of the said act; now for remedying the said mistake, be it enacted and declared by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing this act, the herein before mentioned bonds to be entered into by the masters of ships or vessels, or the persons having or taking charge or command thereof, according to the direction and provision before recited of the said act, shall be with condition, that such ship or vessel, as soon as wind and weather and the condition of such ship or vessel will permit, shall and will proceed regularly on such voyage, and shall land such goods (except wool lawfully licensed) in and at some foreign port or ports; and if such master or other person having or taking the charge or command of such ship or vessel shall upon such demand refuse to enter into such bond, or having entered into such bond shall not depart or proceed regularly on such voyage as soon as wind and weather and the state and condition of such ship or vessel shall permit, unless otherwise suffered to make a longer stay by the collector, or other principal officer in his absence, of such port where such ship or vessel shall be, not exceeding twenty days; then and in either of the said cases all the goods so on board such ship or vessel, shall and may by any officer or officers of the customs, by direction of the collector or other principal officer as aforesaid,

The amendment.

said, be taken out of and from such ship or vessel, and forthwith brought on shore and secured; and in case the said goods are customable, the customs and other duties shall be paid for the same; and as concerning wool, or any prohibited goods, or other goods liable to forfeiture, which may be found on board such ships or vessels at the time of their unlading as aforesaid, the same are hereby declared to be subject to forfeiture, and the officers of the customs shall and may prosecute the same, as also the ship or vessel, in case she shall be liable to condemnation.

II. *And whereas some officers of his Majesty's customs in the kingdom of Ireland, and other persons assisting them, may have gone on board, and demanded and taken security from the masters or persons having the charge of such ships or vessels as aforesaid, and have otherwise acted under the said act, according to the intention of the said act, though not according to the letter thereof, whereby such officers and persons may be liable to prosecutions for the same; therefore to indemnify and save harmless such officers and persons, their heirs, executors and administrators, for taking such securities, and acting as aforesaid; be it enacted by the authority aforesaid, That all such officers and persons as have taken any such securities, or acted as aforesaid, their heirs, executors and administrators, shall, and each and every of them are hereby respectively acquitted, indemnified, released and discharged of and from all actions, prosecutions, penalties, forfeitures, out-laws, convictions and judgments incurred, obtained, had, or to be incurred, obtained, or had, on account, or by reason of the same.*

Persons indemnified who have acted according to the intent of the act.

Act 7 Geo. 2.
c. 21.

III. *And whereas by a clause in an act of parliament made in the seventh year of the reign of his late Majesty King George the First, intituled, An act for the further preventing his Majesty's subjects from trading to the East-Indies under foreign commissions, and for encouraging and further securing the lawful trade thereto, and for further regulating the pilots of Dover, Deal, and the isle of Thanet; it is amongst other things enacted, That from and after the twenty fourth day of June, one thousand seven hundred and twenty one, no commodity of the growth, product or manufacture of the East Indies, or other the places in the said act before mentioned, shall be imported or carried into the kingdom of Ireland, the islands of Jersey, Guernsey, Alderney, Sark, or Man, or into any land, island, plantation, colony, territory, or place, to his Majesty, or to the crown of Great Britain belonging, or which shall hereafter belong to his Majesty, his heirs and successors, in Africa or America, but such only as shall be bona fide, and without fraud, laden and ships in Great Britain, in ships navigated according to the several and respective laws now in being, as to the several places to which the said goods shall be imported or carried, under the penalty of forfeiting all such goods, or the value thereof, together with the ship or vessel in which they shall be imported, with all her guns, tackle, furniture, ammunition and apparel; and such ship and goods shall and may be seized, and the same, or the value thereof,*
shall

shall and may be prosecuted in any of his Majesty's courts of record at Westminster, or in Dublin, or in any of his Majesty's courts in such land, island, colony, territory or place where the offence shall be committed, or in the royal courts of Jersey and Guernsey respectively, by bill, plaint or information, wherein no essoin, protection or wager of law shall be allowed, or any more than one imparlance; one moiety of which forfeiture shall be to the use of his Majesty, his heirs and successors, and the other moiety to him or them who shall seize or sue for the same; except such offence shall be committed in any of his Majesty's plantations in Africa or America; in which case one third part of the said forfeiture shall be to the use of his Majesty, his heirs and successors, one other third part to the governor of such land, island, colony or place where the offence shall be committed, and the other third part to the informer or prosecutor; any law, custom or usage to the contrary notwithstanding: and if any officer or officers of the customs in the said kingdom of Ireland, or in the lands, islands, colonies, plantations, territories or places aforesaid, shall willingly or knowingly connive at the fraudulent importation of any such commodities as is before mentioned, contrary to the true meaning of the said last mentioned act; or if any such officer or officers shall take upon him or them to seize any of the said commodities, and shall by fraud or collusion desist or delay the prosecution thereof to condemnation; he or they so conniving, desisting or delaying, shall forfeit and lose the sum of five hundred pounds, to be sued for and recovered in manner aforesaid; one moiety of which forfeiture to be to the use of his Majesty, his heirs and successors, and the other moiety thereof to him or them who will inform and sue for the same; and such officer or officers shall also for the future be incapable of holding any office or employment under his Majesty, his heirs and successors: and whereas a doubt hath arisen, whether by reason of the said last mentioned act the penalties and forfeitures incurred by the laws now in force in the said kingdom of Ireland, against running, or intending to run goods into that kingdom, or for landing or carrying the same away without due entry being made thereof, or paying or giving security for the payment of the duties thereout due and payable to his Majesty, can, (as to commodities of the growth, production or manufacture of the East Indies, mentioned in the said recited act) be sued for, and recovered in a summary way, in any other manner than by bill, plaint, or information, in some of his Majesty's courts of record in Dublin: and whereas divers evil-disposed persons have of late been encouraged to run great quantities of India goods into the kingdom of Ireland, which were not laden or shipped in or from any part of Great Britain, whereby the payment of any duty for the same hath been avoided, to the great diminution of his Majesty's revenue in the kingdom of Ireland, contrary to the true intent and meaning of the said act; for remedy whereof, and for obviating and taking away all such doubts, be it further enacted by the authority aforesaid, That the commissioners of excise in the kingdom of Ireland for the time being, or any three of them, or the sub-commissioners of excise for the time being, or the major part of

Commissioners, or sub-commissioners of excise in Ireland, to try offences a-

gainst any acts
for prohibit-
ing the run-
ning of India
goods, in a
summary way.

of them respectively, in their respective limits and districts in the kingdom of *Ireland*, shall, from and after the passing of this act, and they are hereby authorized and required to hear and determine all offences against any clause or article contained in any act of parliament now in force in the kingdom of *Ireland*, made for preventing the running or intending to run into the said kingdom any commodity of the growth, product, or manufacture of the *East Indies*, or other places beyond the *Cape of good hope*; and the said commissioners and sub-commissioners shall and may, and they are hereby empowered to proceed in a summary way, and hear, determine, and give judgment or sentence thereupon, and order and direct the fines, penalties, and forfeitures, to be recovered and levied, in such or the like manner, as they the said commissioners and sub-commissioners are enabled to proceed to hear, determine, give judgment, and levy the fines, penalties, and forfeitures in cases of excise in the kingdom of *Ireland* by any law, act or acts of parliament, now in force in that kingdom; any thing in the said act passed in the seventh year of the reign of his late majesty King *George the First* to the contrary notwithstanding.

CAP. XXIII.

An act for providing a reward to Joanna Stephens upon a proper discovery to be made by her for the use of the publick, of the medicines prepared by her for the cure of the stone.

WHEREAS Joanna Stevens of the city of Westminster, spinster, hath acquired the knowledge of medicines, and the skill of preparing them, which by a dissolving power seem capable of removing the cause of the painful distemper of the stone, and may be improved, and more successfully applied, when the same shall be discovered to persons learned in the science of physick; now for encouraging the said Joanna Stephens to make discovery thereof, and for providing her a recompence in case the said medicines shall be submitted to the examination of proper judges, and by them be found worthy of the reward hereby provided; may it please your Majesty, that it may be enacted, &c.

500*l.* granted out of the supplies for the discovery of Mrs. Stephens's medicines. Treasury to issue the said sum, on a proper certificate.

CAP. XXIV.

An act to impower the high court of Chancery to lay out upon proper securities any monies not exceeding a sum therein limited, out of the common and general cash in the bank of England, belonging to the suitors of the said court, for the ease of the said suitors, by applying the interest arising therefrom, for answering the charges of the office of the accountant general of the said court.

WHEREAS the lords commissioners for the custody of the great seal of Great Britain did, on the twenty sixth day of May, one thousand seven hundred and twenty five, make an order for the masters of the high court of Chancery to deliver into the bank of England the money, bonds, tallies, orders, and effects of the suitors of the said court under their respective care and direction; and the lord high chancellor of Great Britain did, by an order of the fourth day of November following, direct the said order of the twenty sixth day of May to be kept and observed, with the explanations, alterations, and additions in the said order of the fourth of November contained: and whereas by an act of parliament made and passed in the twelfth year of the reign of his late majesty King George the First, intituled, An act for the better securing the monies and effects of the suitors of the court of Chancery, and to prevent the counterfeiting of East India bonds, and indorsements thereon, as likewise indorsements on South Sea bonds, after reciting and setting forth both the said orders of the court of Chancery, it was, amongst other things, enacted, That one person should be appointed by the high court of Chancery to act, perform, and do all such matters and things relating to the delivery of the suitors money and effects into the bank, and taking them out of the bank, and the keeping the accounts with the bank, and all other matters relating thereto, as in and by the said recited orders, or either of them, were prescribed and directed to be done and performed by the masters and usher of the said court of Chancery; and which officer so to be appointed, was to be called the Accountant general of the court of Chancery, and should hold such office during the pleasure of the said court: and an account should be kept in his name with the bank of England for and on the behalf of the suitors of the said court of Chancery, in such manner as is directed by the said recited orders with respect to the masters of the said court and the bank; and it was thereby enacted, That the said accountant general should, as to the several regulations and directions prescribed in the said orders, stand and be in the place and room of the masters and usher of the said court, and should receive no other fee or reward from the suitors for the exercise of the said office, than what was allowed to the masters in and by the said order of the twenty sixth of May, one thousand seven hundred and twenty five: and whereas in pursuance of the said act of parliament, the court of Chancery hath constantly appointed a person to exercise the

the said office of accountant general, who thereby became intitled to the fees allowed to be taken by the said act: and whereas, although the said office hath been found to be of publick utility, and of great benefit and safety to the suitors of the court of Chancery, yet the fees allowed for the execution of the said office are very disproportionate and unequal, for that in all instances of receipts and payments, acceptances and transfers of small sums the said fees are a great burthen to the suitors; and also that for a great variety of business and transactions in the said office, which are either prescribed by the said act, or are absolutely necessary for the regular keeping of the suitors accounts, no fee is provided or can be taken under the same act: and whereas by an act of parliament made and passed in the twelfth year of the reign of his late Majesty King George the First, intituled, An act for relief of the suitors of the high court of Chancery; it was, amongst other things, enacted, That all the money and cash then deposited in the bank, or that should at any time thereafter be paid into or deposited in the bank, on the account of the suitors of the court of Chancery, or any of them, or by order of the said court, and all the monies arising by the rates and duties given by the said act, or borrowed thereon, and paid into the bank, should be accounted and taken to be one common and general cash, and should be promiscuously issued and issuable, when and as the court of Chancery should direct, for the answering, paying, and clearing the debts and demands of any of the suitors of the said court: and whereas from many years experience it hath been found, that there always hath been, and now is a very large sum of money belonging to the suitors of the court of Chancery, which lies dead and unemployed in the bank; wherefore in order to give ease to the suitors of the said court, and likewise provide a just support and maintenance for an office which is so essential to the security of the suitors property; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That out of the cash that now lies, or shall hereafter lie dead and unemployed in the bank of England, belonging to the suitors of the court of Chancery, a sum not exceeding thirty five thousand pounds, shall and may by virtue of any order or orders of the said court be made for that purpose, from time to time, be placed out in one intire sum, or in parcels, on such government or parliamentary securities, as in and by such order or orders shall be directed; to the intent that the interest and annual profits arising from the money so to be placed out as aforesaid may be applied for the purposes herein after mentioned; and that the said court of Chancery may, from time to time, change the security or securities on which the said monies shall be placed, as the said court shall think expedient.

35,000*l.* of the cash of the suitors in Chancery in the bank to be placed out on government securities.

The interest to be received by the bank.

II. And it is hereby further enacted, That the interest and annual profits arising and to be produced from the said securities, shall from time to time be received by the governor and company of the bank of England, and placed to the credit of an account

count to be raised in the books kept there for the suitors of the said court, of interest arising from money placed out in pursuance of this act; and that out of such interest money and annual profits, there shall be paid by quarterly payments the annual sum of one thousand and twenty pounds; which payment shall be made by the governor and company of the bank of *England*, by virtue of an order or orders of the court of *Chancery* to be made for that purpose; *videlicet*, to the accountant general of the court of *Chancery*, the sum of six hundred and fifty pounds; to his first clerk, the sum of two hundred and fifty pounds; to his second clerk, the sum of one hundred and twenty pounds; which said salaries shall commence from the twenty ninth day of *September*, in the year of our Lord one thousand seven hundred and thirty nine; and shall be in lieu of, and in recompence and satisfaction for, all fees whatsoever, which from that time shall or would be due or payable to the said office by the suitors; and that the residue of the interest and annual profits arising and to be produced from the said securities, shall be accounted for and taken as part of the common and general cash, of and belonging to the suitors of the said court of *Chancery*, and shall be issued and applied pursuant and according to the directions of the before recited act of parliament, intituled, *An act for relief of the suitors of the high court of Chancery*.

Salaries amounting to 2020 l. per ann. to be paid thereout,

in lieu of fees;

III. And be it further enacted by the authority aforesaid, That from and after the said twenty ninth day of *September*, no fee or fees whatsoever shall be taken in the said office for any matter or thing directed to be done or performed therein by the act herein first recited; and that if any person belonging, or who shall hereafter belong, to the said office, shall presume to take any fee or reward, every such person shall be looked upon as guilty of extortion, and shall and may be liable to be prosecuted for the same by indictment or information, or upon complaint thereof made to the court of *Chancery* shall be punished for the same as for a contempt of the court.

which are to cease from 29 Sept. 1739.

IV. Provided always, and it is hereby further enacted and declared, That if at any time hereafter the whole or any part of the said sum of thirty five thousand pounds shall be wanted to answer any of the demands of the suitors of the said court of *Chancery*, then, and in such case, the said court may and shall direct the same, or any part thereof, to be called in, or the securities on which the same shall be placed, to be disposed of, in order that the suitors of the said court may at all times be paid their respective demands out of the common and general cash belonging to such suitors.

The said sum, or any part thereof, to be recalled, in case of need.

CAP. XXV.

An act to obviate some doubts which have arisen upon the construction of an act made in the first year of the reign of King William and Queen Mary, intituled, An act for explaining part of an act made in the first year of the reign of King James the First, concerning tanned leather; and for rendering more effectual a clause in the said last-mentioned act, which obliges curriers to curry leather; and for repealing two clauses in the said last-mentioned act.

Preamble, reciting the act 1 W. & M. stat. 1. c. 33.

Liberty granted to buy, cut, and sell leather, curried or uncurried, in small pieces.

Persons unqualified not hereby licensed to exercise the shoemakers trade;

nor shoemakers to act in any place against law.

WHEREAS certain doubts have arisen upon the construction of an act passed in the first year of the reign of their late majesties King William and Queen Mary, intituled, An act for explaining part of an act made in the first year of the reign of King James the First, concerning tanned leather, relating to the cutting and selling of tanned leather in small pieces: and whereas the cutting and selling of tanned leather in small pieces, for the use of the various artificers working up the same into made wares, is a great convenience and advantage to such artificers, and a benefit to the publick in general; may it therefore please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of June, one thousand seven hundred and thirty nine, it shall and may be lawful for all leatherfellers, curriers, shoemakers, and all other persons whatsoever, who do deal or work, in leather, freely to buy all sorts of tanned leather in any open fair or market, whether curried or uncurried, such leather being first searched and sealed according to the form of the statutes in that case made and provided; and to cut and sell the same in any small pieces, whether curried or uncurried, in their publick and open shops, to the various artificers who work up and convert the same into their made wares, or to any other person or persons whatsoever; any thing in the said recited act or any former acts contained to the contrary thereof in any wise notwithstanding.

II. Provided nevertheless, That nothing in this act contained shall extend, or be construed to extend, to give liberty to any person or persons whatsoever, to make, cause, or procure to be made, any boots, shoes, clogs, or slippers, or to sew, close, or fit to the last, or cause or procure to be sewed, closed, or fitted to the last, pieces of leather for making boots, shoes, clogs, or slippers for sale, other than such person or persons who are or shall be legally intituled to exercise the trade of a cordwainer, or such persons as shall be cobblers or translators.

III. Provided always, That nothing in this act contained shall be construed to extend to give a right to any leatherfeller, currier, shoemaker, or any other person whatsoever, to exercise their

re-

respective trades in any town-corporate, or place, where by law they cannot now exercise the same.

IV. And for making more effectual a clause in the said act made in the first year of the reign of King *James* the first, which obliges curriers to curry leather for the several artificers working up the same; be it further enacted by the authority aforesaid, That if any currier or curriers shall, from and after the said twenty fourth day of *June*, one thousand seven hundred and thirty nine, refuse to curry any leather brought or sent to him or them for that purpose, by any leatherfellers, shoemakers, or other persons whatsoever, who do deal or work in leather, or shall neglect to curry the same within the space of sixteen days, between the twenty eighth day of *September*, and the twenty fifth day of *March* following, and within the space of eight days in the remaining part of the year, after such leather shall be brought or sent and delivered to him or them; such currier or curriers, who shall in either of the said cases offend, shall for every such offence, being thereof lawfully convicted before any one or more justice or justices of the peace within the county, city, town-corporate, liberty, or place where such offence shall be committed, by the oath of one or more credible witness or witnesses, forfeit and pay the sum of five pounds, to be recovered by distress and sale of the offender's goods and chattels, rendering the overplus (if any there shall be) after deducting the expence of such distress and sale, to the owners thereof; one moiety of which forfeiture shall go to the informer, and the other moiety to the poor of the parish where such offence or offences shall be committed; any thing in the said clause, or in any former law contained to the contrary thereof in any wise notwithstanding.

1 Jac. 1. c. 22.

Penalty on curriers refusing to curry any leather within a limited time.

V. Provided nevertheless, That it shall and may be lawful to and for the said respective justices, where they shall see cause, to mitigate or lessen any such penalties according to their discretion.

Justices may mitigate penalties.

VI. And be it further enacted by the authority aforesaid, That if any person or persons shall think himself or themselves aggrieved by the determination of the justice or justices aforesaid, it shall and may be lawful for such person or persons to appeal to the general quarter sessions of the peace, to be next held for such county, city, town-corporate, liberty, or place, where such offence shall be committed; and that the determination of the justices, or the major part of them then and there made, shall be conclusive and final, to all intents and purposes whatsoever; and that no *Certiorari* shall be allowed to remove any determinations or proceedings as above directed.

Appeal from them to the quarter sessions.

VII. And be it further enacted by the authority aforesaid, That the two clauses in an act made in the first year of King *James* the First, intituled, *An act concerning tanners, curriers, shoemakers, and other artificers, occupying the cutting of leather*, which prohibit any persons dwelling in *London*, the liberties thereof, or within three miles of the said city, occupying wet curried leather

Two clauses in the act 1 Jac. I. repealed.

in their art or occupation, to put forth such leather to be curried, but to such persons as are free of the company of curriers of the city of *London*, under pain of forfeiture of such leather, or the value thereof; and also prohibiting any persons within the said city, or three miles distance, to put in any made wares any curried leather, before the same shall be searched and allowed by the wardens of the curriers of *London*, and be sealed with their seal, upon pain of forfeiting for every hide or skin otherwise curried or employed, six shillings and eight pence, and the value of such hide or skin; shall, from and after the said twenty fourth day of *June*, be, and are by this present act repealed and made void to all intents and purposes whatsoever; any thing in the said recited act or any other act contained to the contrary thereof in any wise notwithstanding.

Privileges of
the curriers
company not
hereby lessened.

Publick act.

VIII. Provided nevertheless, That nothing herein contained shall extend, or be construed to extend, to lessen or take away any power or privilege given to the said company of curriers by charter or grant, so far as they may or can use or exercise the same in the city of *London* or liberties thereof.

IX. And be it further enacted by the authority aforesaid, That this act shall be deemed, adjudged, and taken to be a publick act; and be judicially taken notice of as such, by all judges, justices, and other persons whatsoever, without specially pleading the same.

C A P. XXVI.

An act for the better preventing frauds and abuses in gold and silver wares.

Preamble, reciting the
acts 28 Edw.
1. c. 20.

WHEREAS by an act of parliament made in the twenty eighth year of the reign of King Edward the First, made amongst other things for the assaying, touching, and marking vessels of gold, it was ordained, That no goldsmith within the King's dominions should thenceforth make any vessel, jewel, or other thing of gold or silver, but of true alloy, videlicet, gold not worse than the touch of Paris; and silver of the sterling alloy, or better; and that no silver vessel should depart out of the worker's hands, till assayed by the wardens of the craft, and marked with the Leopard's Head; and that the wardens should go from shop to shop amongst the goldsmiths, to assay if their gold was of the touch aforesaid, and if it was not, the same should be forfeited; and that all the good towns of England, where goldsmiths were, should be ordered by that statute, as well as those in London; and that one (for the rest) from each town should come to London, to be ascertained of the touch; and if any person should offend against that statute, he should be punished by imprisonment, and ransom at the King's pleasure: and whereas by another act of parliament made in the second year of the reign of King Henry the Sixth, concerning the fineness of harness of silver, and the marks with which it should be marked, it was amongst other things ordained and established, That no goldsmith nor worker of silver within the city of London, should sell any workmanship of silver, unless it should be fine as sterling, except the same should need

Hen. 6.
c. 14.

need soder in the making, nor until the same should be touched with the touch of the Leopard's Head, if it might bear the same, and also with the workman's mark, on pain to forfeit double the value; and that the workman's mark should be made known to the wardens of the same craft: and whereas by another act of parliament made in the eighteenth year of the reign of Queen Elizabeth, intituled, An act for regulation of abuses in goldsmiths, it was enacted, That after the twentieth of April then next, no goldsmith should work, sell, or exchange, or cause to be wrought, sold, or exchanged, any plate or goldsmiths ware of gold less in fineness than twenty two carraets, nor with more than necessary soder; nor should make, sell, or exchange any plate or goldsmiths wares of silver, less in fineness than eleven ounces two penny weight; nor put to sale, exchange, or sell any plate or goldsmiths work of silver, before he should have set his own mark thereto, if it might bear the same, upon pain to forfeit the value of the thing so sold or exchanged: and whereas by another act of parliament made in the twelfth year of the reign of his late majesty King William the Third, intituled, An act for appointing wardens and assay-masters for assaying wrought plate, in the cities of York, Exeter, Bristol, Chester, and Norwich, it was amongst other things enacted, That the goldsmiths, silversmiths, and plate workers, who then were, or should be free of, and inhabiting in, any of those cities, and having served apprenticeships thereto, should be and were thereby respectively incorporated a company of and belonging to such city, and should be called and known by the name of the company of Goldsmiths of such city respectively, and were thereby authorized to elect two wardens yearly, and to elect an assayer in each of the said cities; and that it should be lawful for such assayer to detain eight grains from every pound troy of silver he should assay; and that such assayer should be paid towards his charge and trouble in the assaying the plate of persons inhabiting any town or place where no assayer was or should be appointed, a sum not exceeding six pence in every pound troy; and the goldsmiths of the town of Newcastle upon Tyne have, by an act passed in the first year of the reign of her late majesty Queen Anne, been incorporated with the like powers: and whereas the wardens and commonalty of the mystery of Goldsmiths of the city of London are and have been a guild or corporation time out of mind, with divers privileges, confirmed and enlarged from time to time by several charters from his Majesty's royal predecessors, Kings and Queens of this realm (amongst other things) for the searching, assaying, supervising, marking, and regulating wrought plate, in order to ascertain the standard thereof, for the good and safety of the publick: and whereas his late majesty King Charles the Second, by his letters patent under his great seal of England, bearing date the fourth day of January, in the eighteenth year of his reign, reciting, That the wardens of the said company in punishing defaults in the said trade, had been at great charges, and at the peril of their bodies, as well as the loss of their goods, so that the wardens then late, on account of the menaces and assaults from the workers, could not put into execution the authorities given to them by former charters, and many frauds had been committed; therefore his said majesty King Charles the Second, by his said letters patent, impowered the wardens of

13 Eliz. c. 19.

13 W. 3. c. 4.

4bq

Fineness of
gold and sil-
ver wares li-
mited.

the said company of Goldsmiths of London, and their successors, to commit offenders to prison, and to set fines upon them, and to seize and break deceitful wares: and whereas the standards of the plate of this kingdom are both for the honour and riches of this realm, and so highly concern his Majesty's subjects, that the same ought to be most carefully observed, and all deceits therein to be prevented as much as possible; but notwithstanding the aforesaid several acts of parliament and charters, great frauds are daily committed in the manufacturing of gold and silver wares, for want of sufficient power effectually to prevent the same; now for remedying such abuses for the future, may it please your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty eighth day of May, one thousand seven hundred and thirty nine, no goldsmith, silversmith, or other person whatsoever, making, trading, or dealing in gold or silver wares, within that part of Great Britain called England, shall work or make, or cause or procure to be wrought or made any gold vessel, plate, or manufacture of gold whatsoever, less in fineness than twenty two carraets of fine gold in every pound weight troy; nor work or make, or cause or procure to be wrought or made, any silver vessel, plate, or manufacture of silver whatsoever, less in fineness than eleven ounces two penny weight of fine silver in every pound weight troy; nor sell, exchange, or expose to sale, or export out of this kingdom, any gold vessel, plate, or manufacture of gold whatsoever, made after the said twenty eighth day of May, one thousand seven hundred and thirty nine, less in fineness than twenty two carraets of fine gold in every pound weight troy; nor sell, exchange, or expose to sale, or export out of this kingdom, any silver vessel, plate, or manufacture of silver whatsoever, made after the said twenty eighth day of May, one thousand seven hundred and thirty nine, less in fineness than eleven ounces two penny weight of fine silver in every pound weight troy; upon pain that every such goldsmith, silversmith, or other person for every such offence shall forfeit and pay the sum of ten pounds, to be recovered and disposed of as herein after is mentioned; and for default of payment the offender shall be committed by the court, in which judgment shall be given thereon, to the house of correction for the county, city, or liberty where convicted; there to remain, and be kept to hard labour, for any time not exceeding the space of six months, or until payment be made of the said forfeiture.

This act not
to extend to
jewellers
works (except
mourning
rings.)

II. Provided always, and it is hereby declared, That nothing in this act shall extend to any jewellers works, that is to say, any gold or silver wherein any jewels or other stones are or shall be set (other than mourning rings) nor to any jointed night earrings of gold, or gold springs of lockets.

How shop-
keepers are
to be exempt.

III. Provided also, and it is hereby enacted, That if any shop-keeper, or other person trading or dealing in gold or silver wares (not being the maker or worker thereof) shall happen to export,

sell, or expose to sale any gold or silver wares worse than the respective standards, and shall within fourteen days next after notice of the coarseness thereof to him or her given, discover and make known to the party aggrieved, or to the master, wardens or clerk of any of the companies of goldsmiths belonging to the place or district within which such shopkeeper, or other person trading or dealing in gold or silver wares as aforesaid, shall reside, the name and place of abode of the maker or worker thereof, or of the person or persons of whom such shopkeeper, or other person trading or dealing in gold or silver wares as aforesaid, really bought such coarse gold or silver wares; and shall produce him, her or them, if living, so that he, she or they may be sued or prosecuted for the same; and if such shopkeeper or other person trading or dealing in gold or silver wares, who sold, exposed to sale, or exported the same, shall, at any trial to be had against such maker or worker, or such other person or persons of whom the same were bought as aforesaid, for such offence, give or produce material evidence against such maker or worker, or such other person of whom the same were bought as aforesaid; and the judge before whom the cause shall be tried, shall under his hand upon the record certify the same; and also that there did not on such trial appear any ground to believe that such shopkeeper or other person trading or dealing in gold or silver wares as aforesaid, was concerned in or privy to such fraud; or if such shopkeeper or dealer shall on the trial of any suit or prosecution against him, her or themselves, concerning the premises, prove that he, she or they delivered to such maker or worker a sufficient quantity of standard gold or silver to make the said wares, and paid a reasonable price for the fashion thereof, or paid such maker or worker, or other person or persons, a market price for standard gold or silver of that weight, besides a reasonable price for the fashion thereof; then and in any or either of the said cases such shopkeeper or dealer shall be and is hereby exempted and discharged from any penalty or forfeiture to be incurred by this act for exporting, selling or exposing to sale such coarse gold or silver wares as aforesaid, and from any action, suit or prosecution for the same; any thing herein contained to the contrary in any wise notwithstanding.

IV. Provided always, That it shall not be necessary for such shopkeeper or other person trading or dealing in gold or silver wares, who sold, exposed to sale, or exported such coarse gold or silver wares as aforesaid, to give or produce such material evidence, or to procure such certificate as aforesaid, in order to his indemnity or discharge from any penalty or forfeiture by virtue of this act, unless such trial against such maker or worker, or other person of whom the same were bought as aforesaid, shall be had within four terms after such discovery made as aforesaid respectively; nor unless reasonable notice shall be given to such shopkeeper or other person trading or dealing in gold or silver wares as aforesaid, of the time of such trial.

No trials against them, but within 4 terms.

V. And be it further enacted by the authority aforesaid, That Penalty on from selling or exp

porting gold
or silver wares
before mark-
ed.

from and after the said twenty eighth day of *May*, one thousand seven hundred and thirty nine, no goldsmith, silversmith, or other person whatsoever, making or selling, trading or dealing in gold or silver wares, shall sell, exchange or expose to sale, within that part of *Great Britain* called *England*, any gold or silver vessel, plate or manufacture of gold or silver whatsoever, made after the said twenty eighth day of *May*, one thousand seven hundred and thirty nine, or export the same out of this kingdom, until such time as such vessel, plate, or manufacture of gold, (being of the standard of twenty two carraets of fine gold *per* pound troy) and such vessel, plate or manufacture of silver (being of the standard of eleven ounces two-penny weight of fine silver *per* pound troy) shall be marked as followeth; that is to say, with the mark of the worker or maker thereof, which shall be the first letters of his christian and surname, and with these marks of the said company of goldsmiths in *London*, *viz.* the leopard's head, the lion passant, and a distinct variable mark or letter to denote the year in which such plate shall be made; or with the mark of the worker or maker, and with the marks appointed to be used by the assayers at *York*, *Exeter*, *Bristol*, *Chester*, *Norwich*, or *Newcastle upon Tyne*; or plate (being of the standard of eleven ounces ten-penny weight of fine silver *per* pound weight troy) with the mark of the worker or maker thereof, which shall be the first letters of his christian and surname, as aforesaid, and with these marks of the said company, *viz.* the lion's head erased, the figure of a woman, commonly called *Britannia*, and the said mark or letter to denote the year as aforesaid; or with the mark of the worker or maker, and the marks of one of the said cities or towns; upon pain that every such goldsmith, silversmith, and other person, for every such offence shall forfeit and pay the sum of ten pounds, to be recovered and disposed of as herein after is mentioned; and for default of payment, shall be committed by the court in which judgment shall be given thereon, to the house of correction for the county, city or liberty, where convicted, there to remain and be kept to hard labour for any time not exceeding the space of six months, or until payment be made of the said forfeiture.

Wares except-
ed.

VI. Provided also, and it is hereby declared, That nothing in this act contained shall extend to oblige any of the following wares of gold or silver to be stamped or marked by the said respective companies of goldsmiths, or any of them; that is to say, rings, collets for rings or other jewels, chains, necklace beads, lockets, hollow or raised buttons, sleeve buttons, thimbles, coral fockets and bells, ferrils, pipe lighters, cranes for bottles, very small book clasps, any stock or garter clasps jointed, very small nutmeg graters, rims of snuff boxes, whereof tops or bottoms are made of shell or stone, sliding pencils, toothpick cases, tweezer cases, pencil cases, needle cases, any philligree work, any sorts of tippings or swages on stone or ivory cases, any mounts, screws, or stoppers to stone or glass bottles, or phials, any small or slight ornaments put to amber or other eggs or urns,

any

any wrought seals or seal with cornelian or other stones set therein, or any gold or silver vessel, plate or manufacture of gold or silver so richly engraved, carved or chased, or set with jewels or other stones, as not to admit of an assay to be taken of, or a mark to be struck thereon, without damaging, prejudicing or defacing the same, or such other things as by reason of the smallness or thinness thereof are not capable of receiving the marks herein before mentioned or any of them, and not weighing ten penny weight of gold or silver each.

VII. And whereas by a clause contained in the said recited act Penalty in the act 12 W. 3. c. 4. sect. 3. repealed. made in the twelfth year of the reign of his late majesty King William the Third, it was enacted, That if any person should counterfeit any of the stamps appointed by that act to be used by the wardens or assayers therein mentioned for marking wrought plate, or any of the stamps used by the wardens of the company of goldsmiths of the city of London, such person should for every such offence forfeit the sum of five hundred pounds, to be recovered and disposed of as therein is mentioned: and whereas the said penalty or forfeiture of five hundred pounds for counterfeiting the stamps on wrought plate is by experience found to be too great a penalty or forfeiture, and hath been some occasion of persons escaping unpunished who have been guilty of counterfeiting the said stamps, whereby the good intention of the said act hath been evaded; be it therefore enacted by the authority aforesaid, That the said clause, and the powers therein contained, shall from and after the said twenty eighth day of May one thousand seven and thirty nine, cease and determine; any thing therein contained to the contrary notwithstanding.

VIII. And be it further enacted, That from and after the said twenty eighth day of May, one thousand seven hundred and thirty nine, if any goldsmith or silversmith, or other person whatsoever, shall cast, forge or counterfeit, or cause or procure to be cast, forged, or counterfeited, any of the marks or stamps of the said company of goldsmiths in London, or any of the marks or stamps appointed to be used for marking wrought plate at York, Exeter, Bristol, Chester, Norwich, or Newcastle upon Tyne, or any of them; or shall cast, forge or counterfeit, or cause or procure to be cast, forged or counterfeited, any mark, stamp or impression, to resemble any mark, stamp or impression, to be made with any mark or stamp to be used by the said company of goldsmiths in London, or by the wardens or assayers at York, Exeter, Bristol, Chester, Norwich, or Newcastle upon Tyne, or any of them in pursuance of this act or any other acts of parliament now in force; or shall mark or stamp, or cause or procure to be marked or stamped, with any such counterfeit mark or stamp, any wrought plate of gold or silver whatsoever, or any wares of brass, or other base metal silvered or gilt over, and resembling plate of gold or silver; or shall transpose or remove, or cause or procure to be transposed or removed, from one piece of wrought plate to another, or to any vessel of such base metal as aforesaid, any of the marks, stamps or impressions made, or to be made, by or with any of the marks or stamps of the said company of gold-

100l. Penalty on forging stamps.

goldsmiths in *London*, or of the wardens or assayers at *York*, *Exeter*, *Bristol*, *Chester*, *Norwich*, or *Newcastle upon Tyne*, or any of them, used or to be used for the purposes aforesaid, in pursuance of this or any other act of parliament now in force; or shall sell, exchange or expose to sale any manufacture of gold or silver, or export the same out of this kingdom, with any such forged or counterfeit mark, stamp or impression thereon, or any mark, stamp or impression so transposed or removed from another piece of plate as aforesaid, knowing such mark, stamp or impression to be forged, counterfeited, or transposed or removed as aforesaid; then such goldsmith, silversmith or other person shall for every or any of the said offences forfeit and pay the sum of one hundred pounds, to be recovered and disposed of as in this act is mentioned; and for default of payment thereof, or any part thereof, shall be committed by the court in which judgment shall be given thereon, to the house of correction for the county, city or liberty where convicted, there to remain and be kept to hard labour for any time not exceeding the space of two years, or until payment be made of the said forfeiture.

Clause to prevent the private working of silver plate.

6 Geo. 2. c. 11.

IX. *And whereas great frauds and abuses are daily committed by the private working and manufacturing of silver plate, without the notice or knowledge of the commissioners or officers appointed by his Majesty for managing the duty, notwithstanding the powers given for preventing the same by an act made in the sixth year of the reign of his late majesty King George, for laying a duty on wrought plate:* now for the better preventing such frauds and abuses, and the discovery of such private workhouses or places for the future; be it enacted by the authority aforesaid, That from and after the said twenty eighth day of *May*, one thousand seven hundred and thirty nine, every working goldsmith and silversmith, and other manufacturer of gold or silver whatsoever, who shall at any time or times after the said twenty eighth day of *May*, one thousand seven hundred and thirty nine, work or make, or cause to be wrought or made, any gold or silver vessel, plate, or manufacture of gold or silver whatsoever, by this act required to be marked by the said company of goldsmiths, or by the said wardens or assayers at the cities or places aforesaid respectively, shall from time to time send with every parcel of such gold or silver to the assay office of the said company, or to the said wardens or assayers, a note or memorandum in writing containing the day of the month and year, the christian and surnames of the worker or maker, and place of his abode, all the species in such parcel of plate, and the number of each species, with the total weight of such parcel; which note or memorandum shall be entred in like manner by some officer or servant of the said company, or by the said wardens or assayers, or their servants, in one or more of their book or books, and shall be afterwards filed; and the officer or servant of the said company, or such warden or assayer as aforesaid, who shall so enter and file such notes or memorandums, shall monthly transmit or deliver on oath into the excise-office all the notes or memorandums by him or them received

of

of or for silver plate assayed and marked at the respective assay-offices, or true copies thereof; and the commissioners of excise shall and may, and they are hereby fully authorized and empowered monthly or oftner if they shall think fit, to appoint any person or persons to inspect and examine the book or books in the assay-offices, in order to check any account or accounts of wrought plate chargeable with the said duty; and for every default of such goldsmith, silversmith, or manufacturer of gold or silver, and of such officer or servant of the said company of goldsmiths as aforesaid, and for every default of such warden or assayer at any of the said other cities or places, touching or concerning any of the before-mentioned premises, he, each, and every of them, shall forfeit and pay the sum of five pounds, to be recovered and disposed of as herein after is mentioned; and for want of payment the offender shall be committed by the court, in which judgment shall be given thereon, to the house of correction for the county, city, or liberty where convicted, there to remain and be kept to hard labour for any time not exceeding the space of three months, or until payment be made of the said forfeiture.

X. *And whereas by a clause contained in the said act of the sixth year of the reign of his late majesty King George the First, it is enacted, That any person or persons exporting by way of merchandize for any foreign parts any wrought plate or manufactures of silver charged by the said act with the said duty of six pence per ounce, which was made or marked after the first day of June, one thousand seven hundred and twenty, and giving sufficient security before the shipping thereof for exportation, that such plate or manufactures of silver shall not be re-landed or brought again into Great Britain, and making oath or affirmation that the same was actually made or marked after the said first day of June, one thousand seven hundred and twenty; every such person shall be paid a drawback or allowance of six pence for every ounce of such plate or manufactures of silver so exported, by the collector or receiver, or by the commissioners of the said duty on plate in manner by the said act directed: and whereas by virtue or under colour of the said clause, for giving the said drawback or allowance, great frauds and abuses have been committed in the said duty, by frequent exportations of very old silver plate out of this kingdom, not fit for any use but to be melted down, and by drawing back the said duty of six pence per ounce thereupon: now for the preventing of such frauds and abuses for the future, be it enacted by the authority aforesaid, That from and after the said twenty eighth day of May, one thousand seven hundred and thirty nine, no debenture shall be granted, nor any drawback or allowance whatsoever shall be paid, on the exportation of such plate or manufactures of silver out of this kingdom, in case the same shall have been made seven years or more before the day of the entering of the same for exportation; any thing in the said last-mentioned act or any other act of parliament to the contrary hereof in any wise notwithstanding.*

No drawback on the exportation of silver plate above 7 years old.

XI. *And whereas it may be necessary to use a greater quantity of*
soder

Wardens to
determine the
quantity of
foder.

foder in or about one piece of wrought plate more than another, so that the same cannot be ascertained by any general rule, and there being great frauds daily committed by using too much foder in or about, or by putting the same upon wrought plate, and there cannot be any certain rule prescribed for the forwardness in the workmanship that every particular piece of plate ought to be of before it shall be marked; be it therefore enacted by the authority aforesaid, That from and after the said twenty eighth day of *May*, one thousand seven hundred and thirty nine, it shall and may be lawful to and for any warden or deputy warden of the said company of goldsmiths in *London*, or to and for any warden or assayer of *York, Exeter, Bristol, Chester, Norwich, and Newcastle upon Tyne* (such warden, deputy warden, or assayer, being or having been a working goldsmith or silversmith) to adjudge, order, and determine what foder is necessary in or about every piece of plate which shall be brought or sent to the said assay-offices to be assayed or marked, and how forward in the workmanship thereof the same ought to be, and whether all the pieces are put or affixed together, or not, which are intended to be put or affixed together, on his or their seeing the same; and when such warden, deputy warden, wardens, or assayers, or any of them, shall adjudge any piece or parcel of plate to be too much charged with foder, or not forward enough in the workmanship thereof, or the pieces not put or affixed together, that (as he or they think) are intended to be put or affixed together, or that any such piece of plate is incapable of being marked as aforesaid, he or they shall and may refuse to permit the same to be assayed or marked for any of the causes aforesaid.

Appeal from
them.

XII. Provided always, and it is hereby declared, That every person who shall think him or herself any way aggrieved, prejudiced, or damaged by any judgment, order, or determination of any such warden or deputy warden of the said company of goldsmiths in *London*, pursuant to the powers herein before given, or any of them, may appeal to the other wardens of the said company for the time being, or any two of them, or to the meeting of the standing committee of the said company; and if not satisfied with the determination of the said wardens or committee, may appeal from thence to the court of assistants of the said company, or may appeal in the first instance to the said court of assistants, by writing under his or her hand, desiring their order or judgment thereupon, who upon such complaint, on hearing the case, are hereby respectively authorized and required to determine the same; but the order and determination of the court of assistants of the said company shall be final and conclusive.

XIII. And whereas the wardens and commonalty of the mystery of goldsmiths of the city of *London* have for many years last past been at very great trouble and expences in assaying and marking wrought plate, and the same hath of late years very much increased, by their assaying and marking several sorts of small wares of gold and silver, which were not heretofore usually assayed and marked, and of which there

there are much greater quantities now made than were heretofore made; therefore for the better enabling the said company to defray such expences for the future, be it enacted by the authority aforesaid, That from and after the said twenty eighth day of *May*, one thousand seven hundred and thirty nine, it shall and may be lawful to and for the said wardens and commonalty, and their successors, or such person or persons as the court of assistants of the said company shall authorize and appoint, to ask, demand, take, and receive of and from all and every such person and persons as shall from time to time bring or send to the assay-office belonging to the said company, any piece or parcel of wrought plate of gold or silver to be assayed, tried, and marked, such prices, sums of money, or rewards, as they shall from time to time think fit, so as such prices, sums of money, or rewards, do not exceed the several and respective prices, sums of money, and rewards following; that is to say, for assaying, trying, and marking gold watch cases or gold watch boxes, ten pence apiece; for gold hooks for watch chains, ten pence apiece; for gold buckles, five pence apiece; for gold snuff boxes, fifteen pence apiece; for every other piece or parcel of wrought gold, weighing thirty ounces, or under, two shillings and six pence; for such piece or parcel of wrought gold weighing above thirty ounces to fifty ounces, three shillings and nine pence; and so in proportion for greater pieces or parcels.

Prices for the
assaying
wrought plate
limited.

XIV. Provided nevertheless, That if any parcel or single piece of wrought gold shall be brought or sent to the said office to be assayed, which according to the rates or prices above limited shall not amount to the sum of fifteen pence; that then there shall be paid for assaying and marking such parcel or single piece of wrought gold, a price or reward not exceeding fifteen pence; any thing herein contained to the contrary in any wise notwithstanding.

XV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said wardens and commonalty, and their successors, or for such person or persons as the court of assistants of the said company shall authorize and appoint, to ask, demand, take, and receive of and from all and every person and persons who shall from time to time, after the said twenty eighth day of *May*, one thousand seven hundred and thirty nine, bring or send to the said assay-office any piece or parcel of large silver plate weighing four pound weight Troy, or less, for the assaying and marking every such piece or parcel, a sum of money or reward not exceeding five pence; and for every piece or parcel of such plate weighing above four pound weight Troy, there shall be taken out and detained, a diet not exceeding ten grains *per* pound weight Troy: and the said wardens and commonalty, and their successors, and such person or persons as the court of assistants of the said company shall authorize and appoint, shall and may, and they are hereby empowered to ask, demand, take, and receive for assaying, trying, and marking the several small wares of silver following, of and

from the person and persons, who shall from time to time after the said twenty eighth day of *May*, one thousand seven hundred and thirty nine, bring the same to the said assay-office to be assayed and marked, such prices or sums of money, as they shall from time to time think fit, so as such prices or sums of money do not exceed the prices or sums of money following; that is to say, for every sword-hilt, five pence; for every snuff-box, three pence three farthings; for every pair of spurs, three pence three farthings; for every watch-case, or watch-box, two pence halfpenny; for every knife or fork-haft, five farthings; for every pair of buckles, one halfpenny; for every pair of tea-tongs, five farthings; for every dozen of tea-spoons or tea-strainers, three pence three farthings; for belt-buckles, belt-locks, runners, and pendants two pence halfpenny apiece; for every orange-strainer, or nutmeg-grater, five farthings; for every dram-cup, three farthings; for every dozen of seals, three pence three farthings; for every salt-cellar, five farthings; for every pair of clasps, three farthings; and for every dozen of buttons, three pence three farthings.

XVI. Provided nevertheless, That if any parcel or single piece of wrought silver plate shall be brought or sent to the said office to be assayed, which according to the respective rates or prices herein before limited shall not amount to the sum of five pence; then there shall be paid for assaying and marking such parcel or single piece of silver plate, a sum of money or reward not exceeding five pence; any thing herein contained to the contrary in any wise notwithstanding.

Penalty on refusing to pay the prices of assaying, &c.

XVII. Provided always, and it is hereby enacted and declared, That if any person or persons shall refuse or neglect to pay such respective prices, sums of money, or rewards, as may by this act be demanded, and are hereby respectively required to be paid on account or for the purposes aforesaid; that then it shall be lawful for any warden or deputy-warden of the said company for the time being, to refuse to assay, try, or mark all or any of the plate of such person or persons so neglecting to pay, until such prices, sums of money, or rewards as aforesaid, shall be actually paid.

The same prices to be paid at York, Exeter, &c.

XVIII. Provided also, and it is hereby declared, That it shall and may be lawful to and for the assayers at *York, Exeter, Bristol, Chester, Norwich*, and *Newcastle upon Tyne*, and every of them for the time being, to ask, demand, take, and receive the like rates or prices respectively, for assaying and marking wrought plate of gold or silver, as the company of goldsmiths in *London* are hereby impowered to receive and take, and shall and may refuse to assay, try, or mark plate, for any default of payment.

Overplus (if any) how to be applied.

XIX. Provided likewise, and it is hereby enacted and declared, That in case the said prices, sums of money, or rewards hereby given, granted, or allowed, for the assaying and marking wrought plate, shall raise more money than shall be sufficient to defray the necessary expences of the said respective assay-offices, then the overplus money, (if any) shall be applied, from

from time to time, in the prosecuting offenders against this act; and if such prosecutions shall not require the whole overplus (if any) that then the said prices, sums of money, or rewards, shall afterwards be lessened in proportion by the said respective companies of goldsmiths; and they are hereby required to take so much less for the assaying, trying, and marking wrought plate for the future, as will answer the purposes aforesaid only, without bringing any profit to any of the said respective companies; any thing herein contained to the contrary hereof in any wise notwithstanding.

XX. And be it further enacted by the authority aforesaid, ^{Assay-office to be kept open from 7 till 9 in the morning, &c.} That from and after the said twenty eighth day of *May*, one thousand seven hundred and thirty nine, the assay-office of the said company of goldsmiths in *London* shall be kept open for the taking in plate, from seven of the clock in the morning till nine of the clock of the same morning, every working day or hall day; and the weigher shall take in the same, with the notes or memorandums thereof hereby directed to be sent therewith, and he shall weigh and take an account thereof before the same be assayed, and afterwards weigh the plate back, and deliver the same to the owner or his order; and when and as often as the common assayer or common assayers, of the said company, or such common assayer or common assayers or his and their assistant or assistants, or any of them (such assayers and assistants being from time to time appointed by the court of assistants of the said company, and sworn truly to execute their respective offices) or any assayer at *York, Exeter, Bristol, Chester, Norwich, or Newcastle upon Tyne*, shall find and discover any parcel of plate to be of a coarser alloy than the said respective standards, and shall so report the same after three assays made thereof; then and in every such case, it shall and may be lawful to and for any warden or deputy-warden of the said company of goldsmiths in *London*, or any warden of the company at any of the cities or places aforesaid, to cut, break, and deface, or cause to be cut, broken, and defaced, such parcel of plate, at any time after three days next after the last assay made thereof, and not sooner, unless the person who brought or sent the same desire it to be broken and delivered to him sooner; and there shall nevertheless be paid for the assaying of the same such rates or prices as are herein before limited for assaying and marking, as if such parcel of plate had been really marked.

XXI. And be it further enacted by the authority aforesaid, ^{Penalty on not entering new marks, &c.} That from and after the said twenty eighth day of *May*, one thousand seven hundred and thirty nine, all and every person and persons, who shall work or make, or cause to be wrought or made, any gold or silver vessel, plate, or manufacture of gold or silver whatsoever, within that part of *Great Britain* called *England*, shall first enter his, her, and their new marks, names, and places of abode, in the said assay-office of the said company of goldsmiths in *London*, or in the assay-office at *York, Exeter, Bristol, Chester, Norwich, or Newcastle upon Tyne*; which new marks shall be of a character or alphabet different from

their old marks ; and all his, her, and their old marks, if he she, or they have any, shall be broken or defaced by or in the presence of the assayer ; on pain that every person and persons offending therein, shall for every or any of the said offences forfeit and pay the sum of ten pounds, and the further sum of ten pounds for using any other mark, to be recovered and disposed of as herein after is mentioned, and for default of payment shall be committed by the court, in which judgment shall be given thereon, to the house of correction for the county, city, or liberty where convicted, there to remain and be kept to hard labour for any time not exceeding the space of six months, or until payment be made of the said forfeiture.

Forfeitures
how to be re-
covered.

XXII. And for the better recovery of the several penalties and forfeitures imposed by this act ; be it enacted by the authority aforesaid, That the said penalties and forfeitures, and and every of them, shall and may be recovered, with full costs of suit, by action, bill, plaint, or information, in any of his majesty's courts of record, at *Westminster*, in which actions or suits the defendants shall give or put in special bail ; and wherein no essoin, protection, or wager of law, nor more than one imparlance shall be allowed ; and one moiety of the said penalties and forfeitures, and every of them, shall go to the use of his Majesty his heirs and successors, and the other moiety to the person who shall sue for the same.

Limitation of
actions.

XXIII. And be it enacted by the authority aforesaid, That if any action or suit shall be brought or commenced against the said wardens and commonalty, or against any of the wardens of the said respective companies, at the cities or places aforesaid, or any of their officers, or any other person or persons, for any thing done in pursuance of this present act, or in relation to the premises, that in every such case the action or suit shall be brought or commenced before the end of the next term after the fact committed, and not afterwards ; and shall be laid and brought in the county, city, town, or place where the assay-office is or shall be kept whole officer or officers shall be complained of, and not elsewhere ; and the defendant or defendants in such action or actions, suit or suits to be brought or commenced may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this present act : and if it shall appear so to be done, or if any such action or suit shall be brought after the time before limited for bringing the same or shall be brought in any other county, city, or place, than aforesaid, that then and in such case the jury shall find for the defendant or defendants ; and upon such verdict, or if the plaintiff or plaintiffs shall become nonsuited, or discontinued his, her, or their action or actions, or if a verdict shall pass against the plaintiff or plaintiffs, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs ; the defendant or defendants shall and may recover treble costs, and have the like remedy for the same, as any defendant or defendants hath or have for costs of suit in other cases by law.

General issue.

Treble costs.

XXIV. And

XXIV. And be it further enacted by the authority aforesaid, Publick act. That this act shall be deemed and taken to be a publick act, and be judicially taken notice of as such by all judges, justices, and other persons whatsoever, without specially pleading the same.

CAP. XXVII.

An act for explaining and amending an act made in the eighth year of the reign of King Richard the Second, intituled, No man of law shall be justice of assize or gaol delivery in his own country; and another act made in the thirty third year of the reign of King Henry the Eighth, intituled, An act that none shall be justice of assize in his own country, &c.

WHEREAS by an act made in the eighth year of the reign of King Richard the Second, intituled, No man of law shall be justice of assize or gaol delivery in his own country; it is enacted, That no man of law shall from thenceforth be justice of assize, or of the common deliverance of gaols, in his own country: and whereas by an act made in the thirty third year of King Henry the Eighth, intituled, An act that none shall be justice of assize in his own country, &c. it is amongst other things enacted, That no justice nor other man learned in the law of this realm shall use or exercise the office of justice of assize within any county where the said justice was born or doth inhabit, upon pain to forfeit for every offence done contrary to the said act, one hundred pounds: and whereas such acts have been construed to extend, not only to justices of assize and justices of gaol delivery, but also to justices of nisi prius, and justices of Oyer and terminer; which construction hath been attended with very great inconveniencies; for remedy thereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful from time to time and at all times hereafter, to and for the chief justice and justices of either bench, and to and for the chief baron, and other barons of the court of *Exchequer*, and to and for any other person or persons learned in the law, who shall be appointed justice or justices of Oyer and Terminer or gaol delivery in any county or counties within that part of *Great Britain* called *England*, to use and exercise the office or offices of justice or justices of Oyer and Terminer or gaol delivery, in any such county or counties, notwithstanding they or any of them shall have been born or do inhabit within any such county or counties, and that they shall not be liable for so doing to the said penalty or forfeiture of one hundred pounds, or to any other forfeiture or penalty whatsoever any thing in the said recited acts, or either of them, or any other law, custom, or usage to the contrary in any wise notwithstanding.

Preamble, re-
citing the acts
8 Ric. 2. c. 2.

and 33 Hen.
8. c. 24.

Judges im-
powered to
act as Judges
of gaol deli-
very, &c. in
their own
countries.

C A P. XXVIII.

An act for the more effectual preventing of excessive and deceitful gaming.

Preamble reciting the acts 10 and 11 W. 3. c. 17.

9 Ann. c. 6.

8 Geo. 1. c. 2.

WHEREAS in and by an act of parliament made and passed in the tenth and eleventh years of the reign of his late majesty King William the third, intituled, An act for suppressing of lotteries; after reciting, that for divers years before making the said act several evil-disposed persons had set up many unlawful games called Lotteries, not only in the city of London and Westminster and in the suburbs thereof, but in most of the ancient towns and places in England and the dominion of Wales; and had thereby most unjustly and fraudulently gotten to themselves great sums of money from the children and servants of several gentlemen, traders, and merchants, and from other unwary persons, to the utter ruin and impoverishment of many families, it is declared and enacted, That all such lotteries, and all other lotteries, are common and publick nuisances: and whereas in order to suppress all such lotteries, it is in and by the said statute enacted and declared, That from and after the twenty ninth day of December, which shall be in the year of our Lord one thousand six hundred and ninety nine, no person or persons whatsoever shall publicly or privately, exercise, keep open, shew, or expose to be played at, drawn, or thrown at, or shall draw, play, or throw at any such lottery, or other lotteries, either by dice, lots, cards, balls, or any other number or figures, or any other way whatsoever, under such penalties as in the said act are mentioned and set forth; which said statute is enforced by an act of parliament made in the ninth year of the reign of her late majesty Queen Anne, intituled, An act for reviving, continuing, and appropriating certain duties upon several commodities to be exported, and certain duties upon coals to be waterborn and carried coastwise; and for granting further duties upon candles for thirty two years; to raise fifteen hundred thousand pounds by way of a lottery, for the service of the year one thousand seven hundred and eleven; and for suppressing such unlawful lotteries, and such insurance-offices as are therein mentioned: and whereas in and by one other act of parliament made and passed in the eighth year of the reign of his late majesty King George the First, intituled, An act for continuing the duties on malt, mum, cyder, and perry, to raise money by way of a lottery, for the service of the year one thousand seven hundred and twenty two; and for transferring the deficiencies of a late malt act to the land tax for the said year; and for giving time for inserting the money given with apprentices in their indentures; and touching lost bills, tickets, or orders; and for exchanging the tickets in the exchequer for certificates; and for suppressing lotteries denominated sales, and other private lotteries; and for enlarging the time for the accountant general of the bank of England to return duplicates of annuities into the exchequer; it is enacted, That all and every person or persons, who after the twenty first day of December, in the year of our Lord one thousand

thousand seven hundred and twenty one, shall erect, set up, continue, or keep, or shall cause or procure to be erected, set up, continued, or kept, any office or place, under the denomination of sales of houses, lands, advowsons, presentations to livings, plate, jewels, ships, goods, or other things, for the improvement of small sums of money, or shall sell, or expose to sale any houses, lands, advowsons, presentations to livings, plate, jewels, ships, goods, or other things, by way of lottery, or by lots, tickets, numbers, or figures; or shall make, print, advertise, or publish, or cause to be made, printed, advertised, or published, proposals or schemes for advancing small sums of money by several persons, amounting in the whole to large sums, to be divided among them by the chances of the prizes in some publick lottery or lotteries established or allowed by act of parliament; or shall deliver out, or cause or procure to be delivered out, tickets to the persons advancing such sums to entitle them to a share of the money so advanced, according to such proposals or schemes: or shall make, print, or publish, or cause to be made, printed, or published any proposal or scheme of the like kind or nature under any denomination, name, or title whatsoever, and shall be thereof convicted upon the oath or oaths of one or more credible witnesses or witnesses, by two or more justices of the peace of the county, division, or liberty where such offence shall be committed, or the offender shall be found, which oath such justices of the peace are hereby empowered and required to administer; the person so convicted shall, for every such offence, over and above any former penalties inflicted by any former act or acts of parliament made against any private or unlawful lotteries, forfeit the sum of five hundred pounds, one third part thereof to his Majesty, his heirs and successors, and one other third part thereof to the informer, and the remaining third part thereof to the poor of the parish where such offence shall be committed; the same to be levied by distress and sale of the offenders goods, by warrant under the hands and seals of such justices, before whom such offender shall be convicted as aforesaid; and shall also for every such offence, by such justices be committed to the county gaol, there to remain without bail or mainprize for the space of one whole year, and from thence till the sum of five hundred pounds so forfeited as aforesaid, shall be fully paid and satisfied: provided nevertheless, that any person who shall think himself or herself aggrieved by the judgment or determination of two or more such justices in any the cases aforesaid, shall have liberty to appeal to the next quarter sessions to be held for the county, city, or place where such judgment or determination shall be made or given; and that the judgment to be given by the justices of the said next quarter sessions shall be final: and whereas it is found by experience, that the said good and wholesome laws have not effectually answered the good ends, intents, and purposes, in and by the said acts designed; but that contrary to the true intent and meaning of the said recited acts, several deceitful games and subscriptions are daily carried on under the denomination of sales of houses, lands, plate, jewels, goods, and other things; and that several printers have printed, published, or cause to be printed, and published, proposals or schemes for the sale of such houses, lands, plate, jewels, goods, and other things, to be determined by raffles, by mathematical machines or engines, and

sool. Penalty
on any offence
against this
act.

by other indirect ways and means, tending to evade the said good and wholesome laws before mentioned : and whereas several persons have for many years past carried on and set up certain fraudulent games and lotteries, to be determined by the chance of cards and dice, under the denomination of the games of the ace of hearts, pharaoh, basset, and hazzard, and thereby defrauded several of his Majesty's subjects, ignorant of the great disadvantage adventurers in the said games and lotteries so denominated the games of the ace of hearts, pharaoh, basset, or hazzard, are under, subject and liable to : and whereas several doubts have arisen, whether the said games of the ace of hearts, pharaoh, basset, and hazzard, are within the descriptions of the lotteries prohibited by the said recited acts of parliament : and whereas great difficulties have arisen upon the methods of conviction of the offenders against the said acts of parliament ; for remedy whereof, and for explaining and making more effectual the said acts of parliament may it please your most excellent Majesty that it may be enacted ; and be it enacted, by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That if any person or persons shall after the twenty fourth day of June, one thousand seven hundred and thirty nine, erect, set up, continue, or keep any office or place, under the denomination of a sale or sales of houses, land, advowsons, presentations to livings, plate, jewels, ships, goods, or other things, by way of lottery, or by lots, tickets, numbers, or figures, cards, or dice ; or shall make, print, advertise, or publish, or cause to be made, printed, advertized, or published proposals or schemes for advancing small sums of money by several persons, amounting in the whole to large sums, to be divided among them by chances of the prizes in some publick lottery or lotteries established or allowed by act of parliament, or shall deliver out, or cause or procure to be delivered out, tickets to the persons advancing such sums, to intitle them to a share of the money so advanced, according to such proposals or schemes ; or shall expose to sale any houses, lands, advowsons, presentations to livings, plate, jewels, ships, or other goods, by any game, method, or device whatsoever, depending upon, or to be determined by any lot or drawing, whether it be out of a box or wheel, or by cards, or dice, or by any machine, engine, or device of chance of any kind whatsoever ; such person or persons, and every or either of them, shall, upon being convicted thereof before any one justice of the peace for any county, riding, or division, or before the mayor, or other justice or justices of the peace for any city or town-corporate, upon the oath or oaths of one or more credible witnesses or witnesses (which said oaths the said justices of the peace, and mayor, are hereby authorized, impowered, and required to administer) or upon the view of such justice or justices, or the mayor, justice or justices for any city or town-corporate, or on the confession of the party or parties accused ; shall forfeit and lose the sum of two hundred pounds, to be levied by distresses

treis and sale of the offenders goods, by warrant under the hands and seals of one or more justice or justices of the peace of such county, riding, division, city, or town, where the offence shall be committed; which said forfeitures, when recovered, after deducting the reasonable charges of such prosecution, shall go and be applied, one third thereof to the informer, and the remaining two thirds to the use of the poor of the parish where such offence shall be committed, excepting the said two thirds of such forfeitures which shall be incurred by, and recovered upon, any person or persons within the city of *Bath*, which said two thirds shall go and be applied to and for the use and benefit of the poor residing within the hospital or infirmary lately erected for the benefit of poor persons resorting to the said city for the benefit of the mineral waters, after deducting the charges of conviction as aforesaid.

the same how-
to be levied
and applied

II. And it is hereby enacted and declared, That the said games of the ace of hearts, pharaoh, basset, and hazard, are, and are hereby declared to be games or lotteries, by cards or dice with- in the intent and meaning of the said in part recited acts; and that all and every person or persons, who shall set up, maintain, or keep the said games of the ace of hearts, pharaoh, basset, and hazard, shall be subject and liable to all and every the penalties and forfeitures in and by this act inflicted upon any person or persons, who shall erect, set up, continue, or keep any of the said games or lotteries in this present act mentioned; and shall be prosecuted and convicted, and the penalties and forfeitures shall be sued for and recovered, in like manner as the said penalties and forfeitures are by this act directed to be sued for and recovered.

Games speci-
fied to be with-
in the intent
of the act.

III. And be it further enacted by the authority aforesaid, That all and every person and persons, who shall be adventurers in any of the said games, lottery or lotteries, sale or sales; or shall play, set at, stake, or punt at either of the said games of the ace of hearts, pharaoh, basset, and hazard, and shall be thereof convicted in such manner and form, as in and by this act is prescribed; every such person or persons shall forfeit and lose the sum of fifty pounds, to be sued for and recovered as aforesaid.

50l. Penalty
on the adven-
turers.

IV. And it is hereby further enacted by the authority aforesaid, That all and every such sale or sales of houses, lands, advowsons, presentations to livings, plate, jewels, ships, goods, or other things, by any game, lottery or lotteries, machine, engine, or other device whatsoever, depending upon, or to be determined by chance or lot, shall and are hereby declared to be void to all intents and purposes whatsoever: and all such houses, lands, advowsons, presentations to livings, plate, jewels, ships, goods, or other things, set up and exposed to sale in manner and form aforesaid, shall be forfeited to such person or persons who shall sue for the same, by action, bill, plaint, or information, in any of his Majesty's courts of record, or at the assizes for any county where the offence shall be committed; in which

Sales by lot-
teries void.

and the lands,
&c. forfeited.

which action, bill, plaint, or information, no essoin, protection, wager of law, or more than one imparlance shall be allowed.

Persons aggrieved to appeal to the quarter-sessions.

V. Provided always, and it is hereby declared and enacted, That if any person or persons shall think him, her, or themselves aggrieved by the judgment or determination of any justice or justices of the peace, or mayor, as aforesaid, upon any conviction of or for any of the offences in this act; such person or persons may appeal from the said judgment of the said justice or justices, or mayor, to the next general quarter sessions of the peace for the said county, riding, division, city, or place, where such person or persons was or were convicted; but the person and persons so appealing shall, and he, she, and they are hereby directed to give reasonable notice to the prosecutor or prosecutors of such person or persons as shall so appeal, of such his, her, or their intention of bringing and prosecuting such appeal, and shall enter into a recognizance before some justices of the peace for the county, riding, division, city, or place wherein the conviction or judgment was made or given, with two sufficient sureties, on condition to try such appeal at the next quarter sessions, which shall be held in and for the county, riding, division, city, or place, wherein such conviction or judgment was made or given, next and immediately after the bringing such appeal; and every such appeal and appeals shall, by the court at the said next general quarter sessions, to which such appeal and appeals is or are made, be then examined, and the matter then finally heard and determined, and not afterwards; and in case such judgment, determination, or conviction, as aforesaid, shall be then and there affirmed, the party appealing shall pay unto the prosecutor or prosecutors his, her, or their treble costs; and such prosecutor and prosecutors shall have such remedy for the same, as any defendant or defendants hath or have for costs of suit in any other cases by law.

Appellant to pay treble costs, if judgment be affirmed.

Convictions not vacated for want of form, &c.

VI. Provided always, and be it further enacted by the authority aforesaid, That no such conviction made, or judgment given, as aforesaid, by this act, shall be set aside by the said court of quarter sessions for want of form, in case the facts alledged in the said conviction shall be proved to the satisfaction of the said court; nor shall such conviction or judgment be removed or removeable by *Certiorari*, or any other writ or process whatsoever, into any of his Majesty's courts of record at *Westminster*, until such order or other proceedings shall have been first removed to, and judgment and determination given and made thereupon, by such court of quarter sessions as aforesaid.

nor the record thereof removeable, but upon full security.

VII. Provided also, and be it further enacted by the authority aforesaid, That no writ of *Certiorari* or other process shall issue or be issuable to remove the record of any such conviction from the said court of quarter sessions, or to remove any order or other proceedings taken or made by the said court of quarter sessions upon, touching, or concerning such conviction, into any of his Majesty's courts of record at *Westminster*, until the party

party or parties against whom such conviction shall be made, before the allowance of such writ of *Certiorari* or other process, shall find two sufficient sureties to become bound to the prosecutor in the sum of one hundred pounds, with condition to prosecute the same with effect within six calendar months, and to pay unto the prosecutor or prosecutors his, her, or their treble costs and charges, in case such order or conviction shall be affirmed.

VIII. And it is hereby further enacted and declared, That if any person or persons, who shall be convicted of erecting, setting up, maintaining, or keeping any of the said lotteries, or the said games of the ace of hearts, pharaoh, basset, or hazard, or therein or in either of them shall adventure, and shall not have sufficient goods and chattels whereon to levy the penalties inflicted by this act, or shall not immediately pay the said penalties, or give security for the same; it shall and may be lawful for the said justice or justices, before whom such person shall be convicted as aforesaid, to commit such person or persons to the common gaol of the county, riding, division, city, or place where such offence shall be committed, there to continue and remain for any time not exceeding six months.

IX. And be it also enacted, That if any justice of the peace, or any other justice herein before described, or mayor of any corporation, shall neglect or refuse to do what is required of him and them by this act; such justices and mayors so neglecting or refusing, shall respectively forfeit and pay the sum of ten pounds for each offence; one moiety whereof to be paid to any person or persons who shall sue for the same, and the other moiety thereof to the poor of the parish or place where such offence shall be committed, and shall be recovered with full costs of suit, by action, bill, plaint, or information, in any of his Majesty's courts of record, or at the assize for any county; in which action, bill, plaint, or information, no essoin, protection, or wager of law, nor more than one imparlance shall be allowed; such prosecution being commenced within six months next after such refusal of such justices or mayor.

X. Provided always, and it is hereby enacted and declared, That nothing in this act, or in any former acts against gaming contained shall extend to prevent or hinder any person or persons from gaming or playing at any of the games in this or in any of the said former acts mentioned within any of his Majesty's royal palaces, where his Majesty, his heirs or successors shall then reside.

XI. Provided always, and it is hereby further enacted and declared, That nothing herein contained shall extend, or be any ways construed, deemed, or taken to extend, or in any sort to affect or prejudice, any estate or interest in, out of, or to any manors, honours, royalties, lands, tenements, advowsons, presentations, rents, services, and hereditaments whatsoever, which shall or may at any time or times hereafter be according to the laws now in being legally allotted to, or held by or by means of

Offenders not able to pay the penalties, to be imprisoned.

Penalty on neglect of justices, or mayors.

This act not to hinder any games in places where the King resides;

nor to affect the right to any lands, &c. held by lot.

any allotment or partition by lots; but that all persons who now are, or that shall hereafter become, really and truly seized as part-owners, joint-tenants, and tenants in common of any manors, honours, royalties, lands, tenements, advowsons, presentations, rents, services, and hereditaments, shall, and he, she and they, and his, her and their heirs and assigns is and are hereby made and continued capable to accept and take such estates and interest, and parts therein, in such and the like manner, and to such and the like uses, as he, she or they might, would or could have done by, or by virtue, or in consequence of any lot, scroll, chance or allotment whatsoever, had this present act never been made; any thing herein contained to the contrary thereof notwithstanding.

Limitation of actions.

General issue.

Treble costs.

XII. And be it further enacted by the authority aforesaid, That if any suit or action shall be commenced or prosecuted against any person or persons for any thing done in pursuance of this act, every such suit or action shall be commenced within three calendar months next after the fact was committed, and not afterwards, and shall be laid or brought in the county, city or place where the cause of action shall arise, and not elsewhere; and the defendant or defendants therein shall and may plead the general issue, and give this act and the special matter in evidence at the trial to be had thereupon, and that the same was done in pursuance of or by the authority of this act; and if the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her or their action or actions, suit or suits, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs; the defendant or defendants shall and may recover treble costs, and have like remedy for the same, as any defendant or defendants hath or have for costs in any other cases by law.

13 G. 2. c. 9. 18 G. 2. c. 34

CAP. XXIX.

An act for the more easy assessing, collecting and levying of county rates.

Preamble, reciting the acts
22 Hen. 8. c. 5.
1 Ann. Stat. 1.
c. 18.

WHEREAS by an act passed in the twenty second year of the reign of King Henry the Eighth, for repairing and amending bridges and highways: and whereas by another act passed in the first year of the reign of her late majesty Queen Anne, to explain and alter the said act, it is for the more easy taxing and collecting the money for the repair of such bridges and highways thereunto adjoining (amongst other things) enacted, That the justices of the peace within the several limits of their commissions shall at their general or quarter sessions of the peace have full power and authority, upon due presentment to them made that any bridge within their respective commissions or authorities is out of repair, and which by them hath usually, or ought to have been, repaired and maintained, to make assessments upon every town, parish or place, within their respective commissions for that purpose, in proportions upon each respective town and parish, as they usually have been assessed towards the repair of bridges; which assessments are to be levied and collected in the manner prescribed by the said

said act: and whereas by an act passed in the eleventh and twelfth years of the reign of his late majesty King William the Third, to enable justices of the peace to build and repair gaols in their respective counties, it is (amongst other things) enacted, That it shall and may be lawful for the justices of the peace, or the greater number of them, within the limits of their commissions, upon presentment of the grand jury or grand juries, at the assizes, great sessions, and general gaol delivery, held for the same county, of the insufficiency or inconvenience of their gaol or prison, to conclude and agree upon such sum or sums of money, as upon examination of able and sufficient workmen shall be thought necessary for the building, finishing and repairing a publick gaol or gaols, belonging to the shire or county whereof they are justices of the peace; and by warrant under their hands and seals, or under the hands and seals of the greater number of them, by equal proportions to distribute and charge the sum or sums of money to be levied for the uses aforesaid upon the several hundreds, lathes, wapentakes, rapes, ward or other division of the said county, in the manner prescribed by the said act; which said act was revived and continued by an act passed in the tenth year of the reign of her late majesty Queen Anne, for seven years, and to the end of the then next session of parliament, and made perpetual by an act of the sixth year of the reign of his late majesty King George the First: and whereas by an act passed in the seventh year of the reign of King James the 7 Jac. 1. C. 4. First, for the due execution of divers laws and statutes heretofore made against rogues, vagabonds and sturdy beggars; and other lewd and idle persons; it is (amongst other things) enacted, That there shall be erected, built or otherwise provided, within every county of this realm of England and Wales, where there is not one house of correction already built, provided or continued, one or more fit and convenient house or houses of correction, by the justices of the peace, or the more part of them, at their respective quarter sessions; and that the master or governors of the said houses of correction shall have such sums of money yearly, as shall be thought meet by the said justices, the same to be paid quarterly beforehand, by the treasurers appointed by an act made in the three and fortieth year of the late Queen Elizabeth, intituled, An act for the relief of the poor; which said 43 Eliz. c. 2. act was to continue for seven years, and till the end of the next session of parliament, and was further continued by an act passed in the third year of the reign of King Charles the First, intituled, An act for the continuance and repeal of divers statutes, unto the end of the first session of the next parliament; and by an act passed in the sixteenth year of the same reign continued in force, until repealed by some other act of parliament: and whereas by an act passed in the forty third year of the reign of Queen Elizabeth, intituled, An act for the relief of the poor, it is (amongst other things) enacted, That the justices of the peace of every county or place corporate, or the more part of them, in their general sessions to be holden next after the feast of Easter, and so yearly, as often as they shall think meet, shall rate every parish to such a weekly sum of money as they shall think convenient, so as no parish be rated above the sum of six pence, nor under the sum of an halfpenny, weekly to be paid, and so

So as the total sum of each taxation of the parishes in every county amount not to above the rate of two pence for every parish within the said county; and it is thereby likewise enacted, That the justices of the peace at their general quarter sessions to be holden at the time of such taxation shall set down what competent sums of money shall be sent quarterly out of every county or place corporate for the relief of the poor prisoners of the King's bench and Marshalsea; and also of such hospitals and almshouses as shall be in the said county; and what sums of money shall be sent to every one of the said hospitals and almshouses; so as there be sent out of every county yearly twenty shillings at the least to each of the said prisons of the King's bench and Marshalsea; which sums are rateably to be assessed upon every parish; and to be levied and collected as in and by the said act is directed; and whereas by an act passed in the fourteenth year of the reign of Queen Elizabeth, intituled, An act how vagabonds shall be punished, and the poor relieved; it is enacted, That the justices of the peace of every county, or the more part of them, in their general quarter sessions, shall rate every parish at such reasonable sums of money, for the relief of prisoners, as they shall think convenient; so as no parish be rated above six pence or eight pence weekly; and the churchwardens of every parish shall levy the same every Sunday, and once in every quarter pay the said sums to the high constables or other head officers; and the said high constables and head officers shall pay the money received of the said churchwardens to such person as shall be appointed by the said justices in sessions, to be by them distributed weekly for the relief of prisoners; so much of which said act as relates to the taxing, levying, receiving, and employing of gaol money, was revived and continued to the end of the then next session of parliament, by an act passed in the first year of the reign of King James the First, intituled, An act for continuing and reviving of divers statutes, and for repealing of some others; and was further continued by an act passed in the twenty first year of the reign of the said King James, intituled, An act for continuing and reviving of divers statutes, and repeal of divers others; and was further continued to the end of the next session of parliament, by an act passed in the third year of the reign of King Charles the First, intituled, An act for the repeal and continuance of divers statutes; and by an act passed in the sixteenth year of the same reign, was continued in force, until repealed by some other act of parliament: and whereas by an act passed in the nineteenth year of the reign of King Charles the Second, intituled, An act for relief of poor prisoners, and setting them on work, it is (amongst other things) enacted, That the justices of the peace at their general sessions, or the major part of them, if they think fit, may provide a stock of materials for setting poor prisoners on work, in such manner and by such ways as other county charges are levied and raised, and provide and pay fit persons to oversee such work, and make such orders concerning the premises, as they from time to time shall think fit, provided that no parish be rated above six pence by the week towards the premises: and whereas by an act passed in the twelfth year of the reign of her late majesty Queen Anne, for reducing the laws relating to rogues, sturdy beggars, and

14 Eliz. c. 5.

29 Car. 2. c. 4.

12 Ann. stat. c. 23.

vagrants, into one act of parliament, and for the more effectual punishing such rogues, vagabonds, sturdy beggars, and vagrants, and sending them whither they ought to be sent; it is (amongst other things) enacted, That the justices of the peace at their quarter sessions may from time to time, when need shall be, by such ways and means as monies for county gaols or bridges may be raised, cause such sums of money to be raised within their respective precincts and jurisdictions, for the passing and conveying or maintaining of rogues and vagabonds, as shall be necessary for those purposes; which said several rates, when collected, are to be paid, by virtue of the said several acts, into the hands of treasurers or receivers to be appointed by the justices at their respective general or quarter sessions of the peace, and to be accounted for, as in and by the said several respective acts are recited: and whereas it is apparent that the manner and methods prescribed by the said several acts for collecting some of the said rates are impracticable, the sums charged on each parish in the respective divisions being so small, that they do not by an equal pound rate amount to more than a fractional part of a farthing in the pound on the several persons thereby rateable; and if possible to have been rated, the expence of assessing and collecting the same would have amounted to more than the sum rated: and whereas many and great doubts, difficulties and inconveniences have arisen in making and collecting other of the said rates; therefore that the good ends and purposes of the said several statutes may be answered, and the several sums of money thereby intended to be raised may effectually be collected, with as much ease and certainty, and as little expence as can be to the parties obliged by the said laws to pay the same; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of September, one thousand seven hundred and thirty nine, the justices of the peace in that part of Great Britain called England, within the respective limits of their commissions, at their general or quarter sessions, or the greater part of them then and there assembled, shall have full power and authority, from time to time, to make one general rate or assessment for such sum or sums of money as they in their discretions shall think sufficient to answer all and every the ends and purposes of the before recited acts, instead and in lieu of the several separate and distinct rates directed thereby to be made, levied and collected; which rate shall be assessed upon every town, parish or place within the respective limits of their commissions, in such proportions as any of the rates heretofore made in pursuance of the said several acts have been usually assessed; and the several and respective sums so assessed upon each and every town, parish or place within the respective limits of their commissions, shall be collected by the high constables of the respective hundreds and divisions, in which any town, parish or place doth lie, in such manner, and at such times, as is herein after directed.

After 1 Sept. 1739, justices to make from time to time one general assessment, instead of the several rates appointed by several acts;

II. And,

to be paid out
of the poors
rate of every
parish to the
high constable,

II. And, that the respective sum or sums so to be assessed and collected may be well and truly paid to the respective high constables, be it further enacted by the authority aforesaid, That the churchwardens and overseers of the poor for the time being of each and every parish and place within the respective counties, cities and liberties, in which they respectively lie, shall and they are hereby required, out of the money collected or to be collected for the relief of the poor of such parish or place, to pay to the high constables of the respective hundreds or divisions of the said counties, cities and liberties, the respective sum or sums of money so rated and assessed upon such parish or place, within the space of thirty days after demand thereof made in writing, to be given to the said churchwardens or overseers of the poor, or any of them, or left at their or either of their dwelling-house or houses, or affixed on any of the church doors of such parish or place to which such officer shall belong, by the said high constable or high constables of the respective hundreds or divisions; which demand the respective high constable or high constables is and are hereby required to make, at such times as the said justices of the peace, or the greater part of them, shall by their order in sessions direct; and the receipt or receipts of such high constable or high constables shall be a full and sufficient discharge to such churchwardens and overseers of the poor, or other person paying the same, and shall be allowed in their accounts as such by the justices of the peace before whom such accounts shall be passed: and in case such churchwardens and overseers of the poor or any of them, shall neglect or refuse to pay any the sum or sums of money hereby assessed, after demand made as aforesaid; such high constable or high constables shall and they are hereby empowered to levy the same by distress and sale of the goods and chattels of such churchwardens and overseers or either of them, so refusing or neglecting to pay the same as aforesaid, by warrant under the hands and seals of two or more justices of the peace of the county, riding, division, city, town-corporate, liberty, or place, residing in or near such parish or place; rendering the overplus, if any there shall be, after deducting the money assessed, and the charges of the distress and sale, to the owner or owners thereof.

or to be le-
vied on them
by distress.

Where there
is no poor's
rate, the pet-
ty constable of
the place to le-
vy and pay the
county rate.

III. Provided nevertheless, and be it enacted by the authority aforesaid, That in case no rate is or shall be made for the relief of the poor in any parish, township, or place; the justices of the peace in their respective general or quarter sessions, or the greater part of them then and there assembled, shall and may by their order direct the sum of money assessed on such parish, township, or place, for the purposes of this act, to be rated and levied on any such parish, township, or place, by any petty constable, or other peace officer, of or belonging to the same, in such manner as money for the relief of the poor is by law to be rated or levied; which sum so rated and levied shall be paid by such petty constable or other peace officer to the

the respective high constable for the hundred, division, or liberty, wherein such parish, township, or place shall lie; and shall be demanded of, paid by, or levied on such petty constable or other peace officer, in the same manner as any rates are herein before directed to be demanded of, paid by, and levied on the churchwardens and overseers of the poor, or any of them; and if such petty constable or other peace officer shall pay such sum, before the same shall be so by him rated and levied as aforesaid, he may afterwards rate and levy the same, or shall and may be allowed and reimbursed the said sum of money out of any constables or other rate made or to be made on any such parish, township, or place, which the said justices of the peace or the greater part of them in their sessions shall order and direct.

IV. *And whereas it will be very inconvenient to many towns, parishes, and places, in the several counties of York, Derby, Durham, Lancaster, Chester, Westmorland, Cumberland, and Northumberland, that the rates by this act directed to be paid by and levied on the churchwardens and overseers of the poor for the purposes aforesaid, should be paid out of any rate to be made for the relief of the poor in such towns, parishes, and places; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for the justices of the peace for the respective ridings, divisions, or counties of York, Derby, Durham, Lancaster, Chester, Westmorland, Cumberland, and Northumberland, at their respective general or quarter sessions, or the greater part of them then and there assembled, if they shall think convenient, to order the sum of money directed to be assessed on any such town, parish, or place, for all or any of the purposes of this act, to be paid by and levied on the petty constable of or for any such town, parish, or place within the said counties respectively, in such manner as the same is herein directed to be paid and levied, in cases where no rate is made for the relief of the poor; any thing herein contained, or any law, usage, or custom to the contrary notwithstanding.*

Counties excepted from paying the rate of this act out of the poor's rate.

V. *Provided always, and be it enacted by the authority aforesaid, That this act, or any thing herein contained, shall not extend or be construed to extend to make any persons, liberties, divisions, or places liable to pay to any rate to be made in pursuance of this act, to which such person, liberty, division, or place did not, or was not liable to contribute before the passing hereof; but that it shall and may be lawful to and for the justices of the peace at their respective general or quarter sessions, or the greater part of them then and there assembled, to order and ascertain what proportion of any rate to be made by virtue of this act shall be assessed on and paid by the several persons, liberties, divisions, and places, who have usually contributed, or are liable to pay only to one or more of, and not to all the rates hereby intended to be raised, and thrown into one general rate or assessment.*

Proviso, in favour of places heretofore not paying county rates.

VI. *And be it further enacted by the authority aforesaid, That*

VOL. XVII.

Y

That high constables to pay the

monies to the
treasurers ap-
pointed by the
quarter ses-
sions,

That the respective high constables shall, and they are hereby required, at or before the next general or quarter sessions respectively after they or any of them shall have received such sum or sums of money, to pay the same into the hands of such person or persons (being resident in any such county, riding, division, city, liberty, or place, where such rates shall be respectively made) whom the said justices shall at their respective general or quarter sessions, or the greater part of them then and there assembled, appoint to be the treasurer or treasurers (which treasurer or treasurers they are hereby authorized and empowered to nominate and appoint) such treasurer or treasurers first giving sufficient security in such sums as shall be approved of by the said justices at their respective general or quarter sessions, or the greater part of them then and there assembled, to be accountable for the several and respective sums of money which shall be respectively paid to them in pursuance of this act, and to pay such sum or sums of money as shall be ordered to be paid by the justices in their general or quarter sessions, and for the due and faithful execution of the trusts reposed in him or them; and all and every such sum or sums of money as shall be paid into his or their hands by virtue of and in pursuance of this act, shall be deemed and taken to be the publick stock; and the said treasurer or treasurers shall and are hereby required to pay so much of the money in their hands, to such person and persons as the said justices at their respective general or quarter sessions, or the greater part of them then and there assembled, shall by their orders from time to time direct and appoint, for the uses and purposes of the said recited acts, and for any other uses and purposes to which the publick stock of any county, city, riding, division, or liberty, is or shall be applicable by law.

and they to
whomsoever
the justices
shall direct.

Treasurers to
keep books of
entries,

and to account
upon oath.

VII. And be it further enacted by the authority aforesaid, That the said respective treasurer or treasurers shall and are hereby required to keep books of entries of the several sums respectively received and paid by him or them in pursuance of this act; and is and are also hereby required to deliver in true and exact accounts upon oath if required (which oath the said justices at their respective general or quarter sessions are hereby empowered to administer) of all and every the sum and sums of money respectively received and paid by him or them, distinguishing the particular uses to which such sum or sums of money have been applied, to the justices at every general or quarter sessions respectively to be holden within the limits of their commissions; and shall lay before the justices at such sessions the proper vouchers for the same.

High consta-
bles charge.

VIII. And be it further enacted by the authority aforesaid, That the respective high constables shall and they are hereby required to demand and levy such rates and assessments in manner before directed, and shall account for the same before the said justices at their respective general or quarter sessions, if thereunto required, in the like manner as the said treasurer or trea-

*See 9 B. & C.
315.*

treasurers is and are hereby directed to account; and in case such high constables, or any of them, shall neglect or refuse to demand, levy, or account, then it shall and may be lawful to and for the said justices, at their respective general or quarter sessions, or the greater part of them then and there assembled, to commit such high constable or high constables to the common gaol of the county, riding, division, city, town-corporate, liberty, or place, there to remain without bail or mainprize, until he or they shall have caused such rates or assessments to be demanded and levied; and shall have rendered a true account or accounts in the manner hereby directed; and in case it shall appear by such account or accounts, that any sum or sums of money is or are remaining in his or their hands, which he or they shall have received of the respective churchwardens and overseers, or other persons, which ought to have been paid to the respective treasurer or treasurers at the time or times limited by this act, or of the respective treasurer or treasurers, in order to be applied to the purposes aforesaid; and if he or they shall neglect or refuse to pay the same over into the hands of the respective treasurer or treasurers, or otherwise, if thereunto required by order of the said justices at their respective general or quarter sessions, or the greater part of them then and there assembled; then it shall and may be lawful for the said justices at such their general or quarter sessions, or the greater part of them then and there assembled, to commit such high-constable or high-constables to the common gaol of the county, riding, division, city, town-corporate, liberty, or place, there to remain without bail or mainprize, until he or they shall have made full payment of the sum or sums of money that shall appear to be due on such account or accounts; and all the accounts and vouchers of the said treasurers and high-constables shall, after having been passed by the said justices at their respective general or quarter sessions, be deposited with the clerk of the peace for the time being, of each county respectively, or the town-clerk, high-bailiff, or chief officer of any city, town-corporate, or liberty, who is and are hereby required to keep them among the records of such county, city, town-corporate, or liberty, to be inspected from time to time by any of the said justices, within the limits of their commissions, as occasion shall require, without fee or reward.

Vouchers to be kept among the records of the county, &c.

IX. And be it further enacted by the authority aforesaid, That the receipts of such respective treasurer or treasurers shall be sufficient discharges to all high-constables; and the discharges of the said justices of the peace, or the greater part of them, by their orders made at their respective general or quarter sessions to such treasurer or treasurers, shall be deemed and allowed as good and sufficient releases, acquittances, or discharges, in any court of law or equity to all intents and purposes whatsoever.

What shall be their respective discharge.

X. And be it further enacted by the authority aforesaid, That no new rates shall be made until it shall appear to the said justices at their respective general or quarter sessions, or the greater part

The condition on which new rates are to be made.

part of them then and there assembled, by the accounts of their respective treasurer or treasurers or otherwise, that three fourths of the money collected by virtue of the preceding rate have been expended for the uses and purposes aforesaid.

Treasurer to be continued or removed at the will of the quarter sessions.

XI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said justices of the peace at their respective general or quarter sessions, or the greater part of them then and there assembled, to continue from time to time such treasurer or treasurers in his or their office or offices, so long as they shall see convenient, and to remove him or them at their pleasure, and appoint any other person or persons in his or their place; and to allow to him or them and every of them insisting on the same, such reasonable sum or sums of money for his or their care and pains in the execution of such trust, not exceeding twenty pounds by the year, as they in their discretions shall think fit; which they are hereby empowered to direct the payment of, out of the monies arising by the respective rates hereby appointed to be made.

Parishes over-rated, to appeal to the said sessions.

XII. And be it further enacted by the authority aforesaid, That in case the church-wardens and overseers of any parish or place shall at any time have reason to believe the said parish or place is over-rated, such churchwardens and overseers may appeal to the respective justices of the peace at their next general or quarter sessions, against such part of the rate only as may affect the parishes or places in which they serve such offices; which justices, or the greater part of them then and there assembled, are hereby authorized and empowered to hear and finally determine the same: provided nevertheless, that upon such appeal such rate shall not be quashed or destroyed in regard to any other parishes or places assessed thereby.

No repairs of bridges, &c. but upon presentments of the grand jury.

XIII. And be it further enacted by the authority aforesaid, That no part of the money to be raised and collected in pursuance of this act shall be applied to the repair of any bridges, gaols, prisons, or houses of correction, until presentments be made by the respective grand juries, at the assize, great sessions, general gaol delivery, or general or quarter sessions of the peace held for any county, riding, division, city, town corporate, or liberty, of the insufficiency, inconveniency, or want of reparation of their bridges, gaols, prisons, or houses of correction.

Justices to contract with persons for public repairs,

XIV. And be it further enacted by the authority aforesaid, That from and after the first day of *June*, one thousand seven hundred and thirty nine, when any public bridges, ramparts, banks, or cops, or other works, are to be repaired at the expence of any county, city, riding, hundred, division, liberty, or town corporate; it shall and may be lawful to and for the justices of the peace at their general or quarter sessions respectively, or the greater part of them then and there assembled, if they think proper and convenient, after presentment to be made as aforesaid of the want of reparation of such bridges, ramparts, banks, or cops, to contract and agree with any person or persons

sons for rebuilding, repairing, and amending of such bridges, ramparts, banks, or cops, as shall be within their respective counties, cities, ridings, hundreds, divisions, liberties, or towns corporate, and all other works which are to be repaired and done by assessment on the respective counties, cities, ridings, hundreds, divisions, liberties, or towns corporate, for any term or terms of years, not exceeding seven years, at a certain annual sum, payment, or allowance for the same; such contractor or contractors giving sufficient security for the due performance thereof, to the respective clerk of the peace for the time being, or the town clerk, high bailiff, or chief officer of any city, town corporate, or liberty; and that such justices at their respective general or quarter sessions shall give publick notice of their intention of contracting with any person or persons for rebuilding, repairing, and amending the bridges, ramparts, banks, or cops, and other works afore said; and that such contracts shall be made at the most reasonable price or prices which shall be proposed by such contractors respectively; and that all contracts when agreed to, and all orders relating thereto, shall be entered in a book, to be kept by the respective clerk of the peace for the time being, or the town clerk, high bailiff, or chief officer of any city, town corporate, or liberty for that purpose; who is and are hereby required to keep them amongst the records of such county, city, town corporate, or liberty, to be from time to time inspected at all seasonable times by any of the said justices within the limits of their commissions; and by any person or persons employed or to be employed by any parish, township, or place, contributing to the purposes of this act, without fee or reward.

XV. And it is hereby further enacted, That there shall be but one rate made and assessed by the justices of the peace of the county of *Middlesex*, in the said county, city, and liberty of *Westminster*, for the several purposes afore said, and for the repair of the gaol commonly called *New Prison*, in the said county of *Middlesex*.

XVI. Provided nevertheless, That the justices of the peace for the city and liberty of *Westminster*, at their general or quarter sessions to be holden for the same city or liberty, or the greater part of them then and there assembled, shall have full power to appoint the governor or master of the house of correction within the said city or liberty; who shall have such sum of money yearly as hath been accustomed for and towards the support and maintenance of the prisoners in his custody, who shall be sick, or unable to work (not exceeding the present allowance of fifty pounds by the year) and direct the repairs and management thereof as they heretofore have done; and the treasurer or treasurers of the money arising by the rates in the said county of *Middlesex*, and city and liberty of *Westminster*, hereby appointed to be collected, shall and is and are hereby required to obey all orders, which shall from time to time be made by the said justices of the said city and liberty, or the

greater part of them then and there assembled, at their general or quarter sessions, for the payment of any sum or sums of money for the allowance allotted to such governor, or master of the house of correction, and the repairs thereof; which orders shall be good and sufficient discharges to such treasurer or treasurers; any thing herein contained to the contrary thereof in any wise notwithstanding.

Justices im-
powered to ob-
lige collectors
to account,

XVII. And be it further enacted by the authority aforesaid, That the justices of the peace at their respective general or quarter sessions, or the greater part of them then and there assembled, shall be and are hereby impowered to oblige, by their order or orders, the respective high constables and petty constables, or any other person or persons who are or have been impowered to levy, collect, or receive any sum or sums of money by virtue of and for the purposes aforesaid, and who have any sum or sums of money in their hands, to account with them at their general or quarter sessions, in such manner as high constables are directed to account by virtue of this act, and in case such high constables or petty constables, or other person or persons, shall refuse to account, or to pay over the money that shall remain in their or any of their hands, when thereunto required by order of the said justices or the greater part of them in their respective general or quarter sessions assembled; in either of the said cases the said justices shall have the like remedy against them or any of them, as they have against the high constables by virtue of this act, for not accounting for or paying over the money remaining in their hands; and it shall and may be lawful to and for the said justices at their respective general or quarter sessions, or the greater part of them then and there assembled, and they are hereby impowered, to direct and order the payment of the respective sums of money which shall appear to be remaining due, and not applied or disposed of, into the hands of the respective treasurer, or treasurers to be appointed by this act; which shall be deemed to be part of the stock of the said counties, cities, ridings, divisions, liberties, or places respectively; and to enquire what sums of money are due and owing for the purposes aforesaid, and then to order the payment of such sums as shall appear to them upon such enquiry to be justly due and owing.

and to order
the monies
unapplied to
be paid to the
treasurer.

No action a-
gainst persons
collecting on
rates discharg-
ed by *Certio-
rari*, &c.

XVIII. And be it further enacted by the authority aforesaid, That no action or suit shall be commenced or prosecuted against any person or persons who has or have been or shall be employed in the collecting or receiving any money in pursuance of the said recited acts, or this present act, on any rate or rates which has or have been or shall be quashed or discharged on any *Certiorari* brought or to be brought in any of his Majesty's courts of record at *Westminster*, or otherwise, for any money collected or received, or to be collected or received on any such rate or rates, before such writ of *Certiorari* was or shall be brought and allowed; and that justice may be done to such persons who shall or may pay towards any rate which shall be quashed

but the persons
over-rated to
be relieved.

quashed or discharged, the several sums of money which shall appear to have been paid by them on such rate, either in whole, or in part, more than they ought to have paid, shall be repaid, or allowed to them in the next rate or rates which shall be made in pursuance of this act, as if the same had been paid on such new rate or rates; any thing in any former act, or any law, usage, or custom to the contrary thereof in any wise notwithstanding.

XIX. Provided nevertheless, and it is hereby further enacted, That all and every such person and persons so employed or to be employed shall account for and pay over the money by them respectively received, in the same manner, and under the like penalties for any neglect or refusal therein, as are to be inflicted by virtue of this act on any person or persons neglecting or refusing to account for, or pay over any money remaining in his or their hands, which he or they have received in pursuance hereof; any thing in any of the said recited acts contained to the contrary thereof in any wise notwithstanding.

Such collectors obliged to payment.

XX. And be it further enacted by the authority aforesaid, That the justices of the peace for the said county of *Middlesex* at their general sessions of the peace to be holden for the said county shall have the same powers and authorities to put this act in execution, as are hereby given them at their general quarter sessions; any thing in this, or any former act, or any law, usage or custom to the contrary notwithstanding.

Justices of Middlesex to have the same power at their general as at their quarter sessions.

XXI. And be it further enacted by the authority aforesaid, That no writ of *Certiorari*, to remove any rates made in pursuance of this act, or to remove any orders or other proceedings taken or made by the said respective general or quarter sessions touching such rates, shall be taken out or granted, but upon a motion to be made some time in the first week of the next term after the time for appealing from such rates or orders is expired, and upon making it appear to the court by affidavit or otherwise, that the merits of the question upon such appeal or orders will by such removal come properly in the judgment of the said court; and that no such writ of *Certiorari* shall be allowed until sufficient security be given to the respective treasurer or treasurers appointed by virtue of this act, in the sum of one hundred pounds, to prosecute such writ of *Certiorari* with effect, and to pay the costs to be ascertained by the court to which such rates, orders or proceedings shall be removed, in case such rates or orders shall be confirmed; nor shall any such rates, orders or proceedings be quashed or vacated for want of form only; and all charges attending such removal shall be defrayed out of that or any subsequent rate.

Writ of *Certiorari* on what terms issuable.

XXII. And be it further enacted by the authority aforesaid, That so much of the before recited act passed in the fourteenth year of the reign of Queen *Elizabeth*, as relates to the method of taxing parishes for the relief of prisoners; and so much of the said act of the forty third year of the same reign, as relates to the method of raising money for the King's Bench and Mar-

Part of the acts 14 & 43 Eliz. and 19 Car. 2. repealed.

Marſhalſea priſons, hoſpital and alms-houſes; and ſo much of the ſaid act of the nineteenth year of the reign of King *Charles* the Second, as relates to the method of rating pariſhes for providing materials for the ſetting poor priſoners on work, ſhall be repealed, and be abſolutely null and void.

Manner of the
payment of
the King's
Bench and
Marſhalſea
money.
22 Geo. 2. c. 20.

XXIII. Provided nevertheless, That ſuch ſums as have been annually paid to the *King's Bench* and *Marſhalſea* priſons, ſhall be paid out of the monies ariſing by virtue of this act, at ſuch times, and in ſuch manner, as is preſcribed in and by an act paſſed in the eleventh year of the reign of his preſent Maſteſty, intituled, *An act for the more effectual ſecuring the payments of certain ſums of money, directed by an act made in the forty third year of the reign of Queen Elizabeth*, intituled, *An act for the relief of the poor, to be paid by the reſpective treaſurers of every county of England and Wales, for the relief of the poor priſoners of the King's Bench and Marſhalſea priſons*; and ſuch money as ſhall be judged neceſſary by the juſtices of the peace in ſeſſions to be applied in purſuance of the ſaid recited act of the fourteenth year of the reign of *Queen Elizabeth*, for the relief of priſoners, and of the ſaid act of the nineteenth year of the reign of King *Charles* the Second, for providing materials for the ſetting poor priſoners on work, ſhall be paid out of the monies ariſing by this act.

Limitation of
actions.

XXIV. And be it further enacted by the authority aforeſaid, That if any action or ſuit ſhall be commenced againſt any perſon or perſons for any thing that ſhall be done in purſuance or by the authority of this preſent act, in every ſuch caſe the action or ſuit ſhall be commenced within three months next after the fact committed, and not afterwards, and ſhall be laid and brought in the reſpective county in which the cauſe of action or ſuit ſhall ariſe, and not elſewhere; and the defendant or defendants in

General iſſue.

ſuch action or ſuit to be brought ſhall and may plead the general iſſue, and give this act and the ſpecial matter in evidence at any trial to be had thereupon, and that the ſame was done in purſuance and by the authority of this act; and if it ſhall appear ſo to be done, or that ſuch action or actions ſhall be brought after the time before limited for bringing the ſame as aforeſaid, or ſhall be brought in any other county or place; that then the jury ſhall find for the defendant or defendants; and upon ſuch verdict, or if the plaintiff or plaintiffs ſhall be nonſuited, or diſcontinue his, her or their actions or ſuit, after the defendant or defendants hath or have appeared, or if upon demurrer judgment ſhall be given againſt the plaintiff or plaintiffs, the defendant or defendants ſhall and may recover treble coſts, and have the like remedy for the ſame, as any defendant or defendants hath or have in other caſes by law.

Treble coſts.

C A P. XXX.

An act for granting a liberty to carry sugars, of the growth, produce or manufacture of any of his Majesty's sugar colonies in America, from the said colonies directly to foreign parts, in ships built in Great Britain, and navigated according to law.

WHEREAS by an act made in the twelfth year of the reign of the late King Charles the Second, intituled, *An act for encouraging and increasing of shipping and navigation, and another act made in the fifteenth year of the said King, intituled, An act for the encouragement of trade, and another act made in the five and twentieth year of the reign of the said King, intituled, An act for the encouragement of the Greenland and Eastland trade, and for the better securing the plantation trade; which acts have been by subsequent acts since continued, and are now in force, all sugars of the growth or production of the English plantations in America, Asia or Africa, are obliged to be imported into England, Wales, or Berwick upon Tweed, or to some other of the British plantations in America, under such securities and penalties as other enumerated goods and commodities of the growth, production or manufacture of the said plantations, are subjected to by the said acts, some or one of them: and whereas his Majesty's sugar colonies in America are of great importance to the trade, navigation and strength of this kingdom: and whereas the planters of the said sugar colonies are unable to improve or carry on the sugar trade on an equal footing with foreign sugar colonies, without some advantages and relief be given them from Great Britain: and whereas it is reasonable to expect, that not only the produce of the said commodity in the said colonies, but also the exportation thereof, would be greatly increased, for the mutual benefit of this kingdom and the said colonies, if (notwithstanding the laws relating to navigation and trade to and from the plantations) liberty or licence were granted for ships built in and sailing from Great Britain, and chiefly owned by the subjects of his Majesty residing in Great Britain, to load sugars in the said colonies, and to carry the same directly to any foreign parts in Europe, first touching at some port or ports in Great Britain (except where such ship goes to the southward of Cape Finisterre) whereby the said sugars will arrive at such ports sooner, with less charge, and in better condition for the consumption thereof: for this end, and to encourage his Majesty's subjects in the British sugar colonies in America to improve and extend their settlements there, and to prevent any prejudice or damage to this nation, which might happen thereby from any unlawful commerce between the plantations and any foreign countries, and to secure the navigation, shipping, intercourse and dependence on Great Britain; may it therefore please your most excellent Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons,*

12 Car. 2. c. 18.

15 Car. 2. c. 7.

25 Car. 2. c. 7.

The said acts
ratified,

with excep-
tion.

Conditions on
which sugars
may be car-
ried from the
American co-
lonies directly
to foreign
parts.
*Extended to
all British
ships, by
15 Geo. 2. c. 33.*

mons, in this present parliament assembled, and by the authority of the same, That the said three acts passed in the twelfth, fifteenth, and five and twentieth years of the reign of the late King *Charles the Second*, so far as the same extend to sugar of the growth and produce of his Majesty's plantations in *America*, being one of the commodities enumerated in the said acts, shall be and are hereby ratified and confirmed, as to all persons, ships, vessels, or places, in all respects whatsoever; except only as to such sugars as by this act shall be permitted or allowed to be exported from his Majesty's said sugar colonies in *America*, by such persons, and in such ships and vessels, and to such foreign countries and places, and under such entries, securities, restrictions, regulations, limitations, penalties and forfeitures, as are herein after particularly described, appointed, limited and enacted for that purpose.

II. And be it enacted by the authority aforesaid, That from and after the twenty ninth day of *September*, one thousand seven hundred and thirty nine, it shall and may be lawful, notwithstanding any of the acts aforesaid, or any other act of parliament, for any of his Majesty's subjects, in any ship or vessel built in *Great Britain*, and navigated according to law, and belonging to any of his Majesty's subjects, of which the major part shall be residing in *Great Britain*, and the residue shall be residing either in *Great Britain* or in some of his Majesty's sugar colonies in *America*, and not elsewhere, that shall clear outwards in any port of *Great Britain* for any of the said colonies, to ship or load in the said colonies, or any of them, any sugars of the growth, produce and manufacture of the said colonies, or any of them, and to carry the same from thence to any foreign part of *Europe*; provided a licence be first taken out for that purpose under the hands of the commissioners of his Majesty's customs at *London* or *Edinburgh*, or any three or more of them respectively, subject to the regulations, and on the conditions hereafter mentioned, that is to say, That notice be first giving in writing by the master or other person having the command, or taking the charge of, or by one or more owner or owners of such ship or vessel to the customer, or collector, and comptroller of such port in *Great Britain*, where such ship or vessel shall happen to be, of the intention of such master or other person, or any owner, that such ship or vessel shall proceed to the said sugar colonies, or some of them, in order to lade sugars to be carried to some other part of *Europe* than *Great Britain*: and that such master, or other person taking charge of such vessel as aforesaid, or owner, shall enter into bond, to the use of his Majesty, his heirs and successors, with one or more sufficient securities, in the sum of one thousand pounds, if the ship be of less burthen than one hundred tons; and in the sum of two thousand pounds, if she be of that or greater burthen; with condition, that in case a licence be granted, giving liberty to such ship or vessel to lade and carry sugars from his Majesty's sugar colonies to foreign parts, that such ship or vessel shall proceed from *Great Britain*

to

to the said sugar colonies, and shall deliver the said licence to the collector, comptroller and naval officer there, in case he intends to make use of the liberty granted by such licence, which he shall declare in writing to the collector, comptroller and naval officer, before he takes any goods on board, and that in such case, no tobacco, molasses, ginger, cotton, wool, indigo, fustick, or other dying-wood, tar, pitch, turpentine, hemp, masts, yards, bowsprits, copper ore, beaver skins, or other furs, of the growth, production or manufacture of any *British* plantation in *America* shall be taken on board any such ship or vessel, unless it be for the necessary provisions in her voyage; and that such ship or vessel, before she proceeds to any foreign port or place, shall touch at some port in *Great Britain*; and that the master or person having the command of such ship shall deliver to the collector or comptroller of such port, a true and exact manifest attested upon oath, or if a *Quaker* by affirmation, of the whole lading, mentioning the marks, numbers, package and contents of all the goods on board; and shall also bring back and produce to them the licence granted for such ship or vessel to carry such sugars to foreign parts, with a certificate indorsed on such licence, or affixed thereto, containing an account of the marks, numbers, package, contents and sorts of all the sugars laden on board such ship or vessel in the manner directed by this act, as is herein after mentioned; and that when such ship or vessel hath discharged her lading so taken on board in some foreign part (the danger of the seas and enemies excepted) she shall proceed for, and return to, *Great Britain*, within eight months after she shall have delivered her lading in any foreign part, and before she returns to any of his Majesty's plantations in *America*; and that in case such ship or vessel shall take on board any goods or merchandizes before her return to *Great Britain*, all such goods and merchandizes that shall remain on board the said ship on her arrival in *Great Britain*, shall be entered and landed on the return of such ship or vessel to *Great Britain*, in like manner as all other ships and vessels importing goods into this kingdom are obliged to do by the laws of the customs; or otherwise such bond shall be forfeited.

III. And it is further enacted by the authority aforesaid, That upon such bond being entered into, and other requisites before mentioned being duly complied with, a licence shall be granted accordingly, giving liberty for that voyage only, to load and carry sugars of the growth and production of his Majesty's sugar colonies to any foreign part, in the manner, and according to the purport and intention of this act: provided nevertheless, That no ship or vessel shall have licence to carry sugar to foreign parts by virtue of this act, unless it shall first appear by oath, or in case of a *Quaker* by affirmation, of the master or person taking charge of such ship or vessel, that the property thereof is in his Majesty's subjects, of which the major part are residing in *Great Britain*, and the residue residing either in *Great Britain*, or in some of his Majesty's sugar colonies in *America*, and

Oath to be taken that the ship belongs to British subjects, before licence given.

and not elsewhere; such oath or affirmation to be in the form, and according to the directions herein after mentioned; that is to say,

The oath.

A. B. (^{maketh oath or solemnly declares and affirms}) *that the* (^{ship or vessel}) *called the [name] whereof he this* (^{deponent or affirmant}) *is master, and hath the charge and command for this present voyage to [place bound to] being [describe the built]* (^{ship or vessel}) *of the burthen of [number] tons was built at [place] in the year [time when] and that the said* (^{ship or vessel}) *is wholly owned by the* (^{person or persons}) *whose* (^{name or names}) *and usual* (^{place or places}) *of abode* (^{is or are}) *under-mentioned and subscribed by this deponent or affirmant, that such* (^{owner or owners}) (^{is or are}) *his Majesty's British* (^{subject or subjects}) *and that no foreigner directly or indirectly hath any share, part, or interest in the said* (^{ship or vessel}) *to the best of this* (^{deponents or affirmants}) *knowledge or belief; and that he this* (^{deponent or affirmant}) *and three fourths of the mariners navigating the said* (^{ship or vessel}) *are his Majesty's British subjects.*

Penalty on taking in foreign goods.

IV. And be it further enacted, That in case any ship or vessel, licensed by virtue of this act shall take on board in any of the sugar islands, or in her voyage from thence, any sugars, or other goods, being the property of any other person than some of his Majesty's subjects, and such as shall be shipped and laden on their proper risque and account, to be carried to foreign parts; then all such sugars or other goods so laden on such ship shall be forfeited and lost.

Conditions previous to the lading sugars, &c. at the said colonies.

V. And be it further enacted, That before any sugar be loaden or put on board any ship or vessel at the said colonies, or any of them, by virtue of the said licence, to be carried to any foreign port in Europe, the master, or other person having or taking charge of such ship or vessel, shall deliver to the collector of the port where such ship is to take in her lading, the said licence signed by the commissioners of the customs, and a certificate of such bond having been given in Great Britain as aforesaid; and shall declare in writing to the collector, whether he intends to load any sugar pursuant to such licence, which shall be done before any goods are laden on board such ship or vessel, otherwise such licence shall be invalid and of no force and virtue; but if it shall be declared as aforesaid, that sugars are intended to be laden and carried to foreign parts, pursuant to such licence, then in order to ascertain the quantity, quality, sort, or denomination of the sugars to be exported in every such ship from

from the said colonies, or any of them, pursuant to such licence, and the liberty granted by this act, and to prevent the exportation from the said colonies of any goods before enumerated, the merchant or other person intending to export any sugars or other goods not enumerated in such ship or vessel, shall, before the same, or any part thereof, are shipped or put on board, make an entry or entries of such sugars, or other goods not enumerated, in writing, with the collector and comptroller of his Majesty's customs, and the naval officer, expressing the name of the ship and the master, on which such sugars, or other goods not enumerated, are to be laden, and where she lies; and also the places, keys, or wharfs where they are to be laden, or first water-borne in order to be laden; which shall be such only where an officer or officers are or shall be appointed to attend the lading and shipping thereof, or at such places as shall be mentioned in a sufferance or warrant to be taken out from the collector and comptroller for that purpose; and shall thereon take out from the said collector and comptroller a cocquet or warrant accordingly, whereon shall be indorsed by the exporter the marks, numbers, contents, sorts, or proper denomination of such sugars, and shall deliver the cocquet or warrant so endorsed to the searcher or other officer appointed for the examining and shipping thereof, and shall ship or lade such sugars in the presence of such officer or officers, or at such places as shall be mentioned in the said sufferance or warrant, that the proper officer or officers may attend the shipping thereof; and such officer or officers are hereby impowered to examine the same before they are put on board; and if upon examining the said sugars, or any goods or package, which shall be shipped, or brought to be shipped as such, by virtue of such cocquet or warrant, either before or after the shipping thereof, the number of casks shall appear to be greater than is endorsed thereon, or if there shall be found any other sugar but such as shall be so endorsed on such cocquet or warrant taken out and delivered as aforesaid, or any of the goods before enumerated, which by law are to be carried from thence only to *Great Britain*, or some of his Majesty's other plantations in *America*; or if it shall be discovered that any enumerated goods, other than sugar, have been laden or put on board any ship or vessel, having liberty to trade by virtue of this act, or shall be brought to be shipped on board such ship or vessel, or shall be put into any hoy, lighter, bottom, boat, or other vessel, in order to be put on board such ship or vessel, before such entry, or taking out such cocquet or warrant, endorsing and delivering of the same, and not being shipped in the manner aforesaid, but shall be put on board, or attempted to be put on board, contrary to the directions of this act; all such sugar and other goods so shipped, or brought to be shipped, in any of the cases aforesaid, shall be forfeited and lost, as also the hoy, lighter, bottom, boat, or other vessel or carriage whatsoever employed in shipping, or attempting to ship any enumerated goods, other than sugars, together with the ship or vessel

Penalty on
fraud in the
shipping.

on

Master to have
a licence and
certificate, be-
fore the vessel
departs ;

on which such other enumerated goods shall be laden ; and the owner of such sugar, or other goods, shall also forfeit double the value thereof, to be recovered in the court of vice admiralty, held in any of his Majesty's plantations in *America*, or in any other court of record in any of his Majesty's plantations in *America*, at the election of the informer or prosecutor ; one third part to be to the use of his Majesty, his heirs and successors, one third part to the governor of the said colony, and the other one third to the informer or prosecutor ; and before such ship or vessel shall depart from the said colonies with the sugar laden as aforesaid, the master, or other person having or taking charge thereof, shall receive the said licence from the collector and comptroller and naval officer, with a certificate endorsed thereon, or affixed thereto, under their seals of office, containing an account of the marks, numbers, contents, and sorts of each cask of such sugar so shipped on board ; which endorsement or certificate shall be signed by the said collector and comptroller and naval officer ; and the collector and other officers aforesaid, shall make two copies of such licence, endorsements, or certificates ; for all which entries, coquets, endorsements, and certificates, or copies, no more shall be taken by the said officers than the legal and accustomed fees ; and the master or other person having or taking charge of such ship, shall, before he receives the said licence, attest the said copies under his hand, which are to be left with the collector and comptroller and naval officer ; and the said collector and comptroller are hereby required, as soon as conveniently they can, to transmit one of the said copies of the endorsements or certificates to the commissioners of the customs in *Great Britain* respectively, by whom the licence was granted when the said ship or vessel set sail from *Great Britain* ; and the said master or other person having or taking charge of such ship, shall proceed from the said sugar colonies directly to *Great Britain*, without putting into any other port or place, unless forced by stress of weather, proof whereof shall in such case be made on oath to the satisfaction of the commissioners of the customs in *Great Britain* respectively ; and on the return of such ship or vessel to *Great Britain* the said master or other person shall produce and deliver the said licence to the said commissioners of his Majesty's customs respectively, or to the collector and comptroller of the port at which she shall arrive, immediately on such her arrival, with the indorsement made thereon, or certificate annexed thereto, by the collector and comptroller, of the marks, numbers, contents, sorts, or denomination of such sugars laden on board in the said colonies, or any of them, as herein before directed ; and shall also deliver a true and exact manifest, expressing the marks and numbers, with the tale and sorts of casks of all his lading, attested upon oath, or if a *Quaker* by affirmation, before the collector and comptroller of such port where he shall arrive, who are hereby empowered to administer the same ; and shall also make an entry or entries of the quantities and sorts of all the sugars which were

to be delivered on her return to *Great Britain*, to the commissioners, or collector of the port.

Oath to be taken,

and entry to be made.

were laden on board the said ship at any of the said colonies as aforesaid, and then remaining on board and bound to foreign parts; which entry or entries the customer, or collector and comptroller of such port are to pass, without demanding or receiving any custom or duties for such sugar; mentioning in their accounts, that such entries were passed by virtue of this act; and shall also declare on oath, or if a *Quaker* on his affirmation, to what foreign port or ports he is bound with such lading; then such master, or other person having charge of such ship or vessel shall be at liberty to proceed with all the goods on board mentioned in such manifest, being none of the goods before enumerated, to any foreign port or place whatsoever, without being obliged to land or pay duty for the same as aforesaid, taking with him the said licence, and a certificate thereon or annexed thereto, under the seals of office from the said customer or collector and comptroller, testifying that the said ship or vessel, and the master, or other person having charge thereof, had touched at such port, and had in all respects complied with the directions of this act: but in case any such vessel shall proceed to any foreign part without having first touched at some port in *Great Britain*, and having complied with the several directions of this act, and having the same certified as aforesaid; or in case any goods of the growth, produce, or manufacture of any of the *American* colonies or plantations, enumerated as aforesaid, besides sugars, shall be found on board, or carried by any such ship or vessel to any foreign parts; then the liberty granted by such licence shall cease, and become void and of none effect; and such ship or vessel, and also the master, or other person having or taking charge of such ship or vessel, and all others concerned, shall be liable and subject to all and every the same penalties and forfeitures, as they would have been subject and liable to in case this act had not been made.

Penalty on going to foreign parts without touching at some port in *Great Britain*.

VI. And in order to discover whether any goods before mentioned and herein before enumerated, besides sugars, have contrary to this act been taken or laden on board any ship or vessel as shall lade sugars by virtue of such licence, and shall touch at some port of *Great Britain*, in order to proceed to foreign parts; be it further enacted by the authority aforesaid, That if the commissioners of his Majesty's customs in *Great Britain* respectively, or the customer, or collector and comptroller of the port where such ship or vessel shall touch, shall upon information on oath have sufficient cause to suspect that some enumerated goods, other than sugars are on board such ship or vessel, and shall thereupon judge it necessary to take out or unlade the goods from any such ship or vessel, or any part thereof; in such case it shall and may be lawful for any officer or officers of his Majesty's customs, or any person or persons employed by them, to enter and remain on board such ship or vessel, and to unlade the same, or any part thereof, as they shall judge necessary, to enable them to examine any part of such ship or vessel, and all the goods on board, and to detain her so long as shall be necessary for that pur-

Officers of the customs empowered to examine suspected ships.

purpose; and also to open and examine any cabbins, lockers, false bulk-head, or any concealments, or other places in the sides of such ship or vessel, or any other part thereof, or to open and examine any chest, trunk, box, cask, case or package whatsoever; to discover whether any more or other goods are on board, other than such as are mentioned in the manifest delivered by the master, and to seize and bring on shore all goods or merchandizes not mentioned therein; and all such goods shall be forfeited and lost, and shall and may be prosecuted and divided in the manner hereafter mentioned: provided, that in case no goods be found on board such ship or vessel, but what are mentioned in the manifest delivered by the master, that then the officer or officers who shall land or take any goods out of such ship or vessel, or open any part of such ship or vessel, or unpack any goods, shall reload and repack the same, and repair such damage as shall be done by landing, unloading, or unpacking thereof, without being liable to any other costs or damages for demurrage, or on any other account whatsoever; but if any other goods are found on board, besides such as are mentioned in the master's manifest (except the necessary provisions of the ship for the voyage) then the master, or other person having charge thereof, shall be at the charge of reloading and repacking all the goods unladen or opened, and of repairing all other damages whatsoever occasioned thereby, or in opening or examining the sides of the ship, or otherwise, in the execution of this act; and the officer or officers concerned shall not be at any expence, or incur or be liable to any costs or damages whatsoever.

If there be no fraud, officers to reload, and repair damages.

Sugars, &c. may be landed in Great Britain, on paying the duties.

VII. And be it further enacted and declared by the authority aforesaid, That if any ship or vessel shall have on board any sugar, for which licence shall have been granted as aforesaid, or any other goods that are not enumerated in the acts before-mentioned; and the owner or owners thereof, his or their factor or agent, shall, on the arrival of such ship or vessel in any port of *Great Britain*, be desirous to enter and pay his Majesty's duty, and land the said goods, or any part thereof; he or they shall have liberty so to do; the master of the ship first making a report of his whole lading, with the proper officers of the customs, in like manner as he was required by law to do before the making of this act.

Sugars with a licence may be carried to the southward of *Cape Finisferre*, without touching at Great Britain;

VIII. Provided nevertheless, and be it further enacted and declared by the authority aforesaid, That if the said master, or other person having or taking charge of such ship or vessel, for which a licence shall have been granted as aforesaid, shall on his arrival in any of his Majesty's said sugar colonies have delivered to the collector, comptroller, and naval officer, the said licence, with a certificate of bond being given in *Great Britain* as aforesaid, and shall, before he lades any goods, declare in writing, upon oath, or if a *Quaker* on his affirmation, before them or any two of them (which oath or affirmation, they are hereby empowered to administer, and to endorse the same on the back of such licence, where it shall be attested by them) that the sugars.

be

he intends to load pursuant to such licence, are to be carried to some port or ports, place or places, to the southward of *Cape Finisterre*; then the said master or other person may, in case he has in all respects complied with the several directions in this act, proceed thither directly with such ship or vessel and her lading accordingly, taking with him such licence, and oath or affirmation endorsed thereon as aforesaid, together with an account of the marks, numbers, package, contents and sorts of sugars laden by virtue of such licence, likewise endorsed thereon, or contained in a certificate annexed thereto, in the manner before directed, and may there land the same, without first touching at any port in *Great Britain*; any thing in this act to the contrary notwithstanding: but in such case the master, or other person but to return thither within 8 months after landing, with the licence and certificate. taking charge of such ship or vessel, shall within eight months after landing the said sugars at such port or place, ports or places, and before such ship or vessel shall go again to any of his Majesty's plantations in *America*, return to some port of *Great Britain*, and on his arrival there deliver his said licence to the commissioners of the customs respectively, or the customer, or collector, and comptroller of such port, with such oath or affirmation endorsed thereon, and an account of the lading endorsed likewise thereon, or contained in a certificate annexed thereto as aforesaid, together with a certificate from the consul, or two known *British* merchants of good credit residing at the ports or places where such sugars were landed, testifying the landing thereof as aforesaid; and the master, or other person taking charge of such ship or vessel, shall likewise make oath, or if a *Quaker*, make a solemn affirmation, before the customer, or collector and comptroller, to the truth of such certificate; and that none of the goods before enumerated, except sugar, were taken on board at any of the said colonies, or landed at the port or place mentioned in the said certificate; and the master, or other person taking charge of such ship or vessel, shall likewise make an entry or entries with such customer, or collector and comptroller, of the quantity and sorts of all the sugars laden on board the said ship or vessel at any of the said colonies as aforesaid, and landed at any port or place to the southward of *Cape Finisterre*; which entry or entries the customer, or collector and comptroller are to pass, without demanding or receiving any custom or duties for the same, mentioning in their accounts, that such entries were passed by virtue of this act; and in case the master, or other person taking charge of such ship or vessel, shall neglect or refuse to make an entry or entries of such sugars so landed as aforesaid, with the customer, or collector and comptroller of the port where he shall arrive, on his returning to *Great Britain*; he shall forfeit and lose one hundred pounds, whereof one moiety shall be to the use of his Majesty, his heirs and successors, and the other moiety to such person or persons as will sue for and recover the same.

Oath and entry to be made.

IX. And be it further enacted by the authority aforesaid, On performance That upon the return to *Great Britain* of any ship or vessel ing the requisites, which fits, bend to

be discharged;
or otherwise
forfeited.

which shall, pursuant to the liberty given by this act, carry sugars from his Majesty's sugar colonies, to any foreign parts, the master, or other person taking charge of such ship or vessel, shall in either case before-mentioned bring back and deliver to the commissioners of the customs respectively, or to the customer, or collector and comptroller, of the port in *Great Britain*, where such ship or vessel shall arrive, the said licence, together with a certificate signed and sealed by the consul, or two known *British* merchants of good credit at the port or place where such sugar was landed, certifying the landing thereof, with the number of casks of sugar so landed, and the mark, number, and contents of each cask, with the name of the ship and master; and that they verily believe that no tobacco or other goods before enumerated (except sugar) have been there landed out of such ship or vessel; and upon such licence being returned, with the oath or affirmation of the master, and an account of the lading endorsed thereon or annexed thereto as aforesaid, and also upon such certificate of the consul, or two known *British* merchants of good credit, being produced, and oath or affirmation made as aforesaid, and the several other matters and things required by this act being duly complied with, the bond given before granting such licence shall be discharged and delivered up; any thing in the said bond or in this act contained to the contrary thereof in any wise notwithstanding; otherwise such bond shall be forfeited, and shall and may be prosecuted in the manner directed by this act.

Ships unlading such sugars and taking in other goods, subject to entries, &c.

X. And be it further enacted by the authority aforesaid, That in case any such ship or vessel shall, after the unloading such sugars or any part thereof, take on board any goods or merchandize before her return to *Great Britain*, all such of the said goods and merchandize as shall remain on board at her arrival in *Great Britain*, shall be entered and landed on the return of such ship or vessel to *Great Britain* and before her departure from thence; and shall be subject to such entries, rules, regulations, prohibitions, penalties, and forfeitures, as the like goods and merchandize imported in any other ship or vessel are or would be subject and liable unto by this or any law or laws of the customs.

This act not to excuse ships from being registered.

XI. And be it further enacted by the authority aforesaid, That this act, or any thing therein contained, shall not extend, or be construed to extend or excuse any ship or vessel trading to, in, or from the said sugar colonies, being registered pursuant to the act made in the seventh and eighth year of his late majesty King *William* the Third, on proof of the property made by one or more of the owners, in the manner and under the penalties and forfeitures inflicted by the said act.

XII. And for prevention of seamen or mariners deserting such ships or vessels, or expending their wages abroad, which may be of great detriment to trade and navigation, and is often occasioned by the owner or owners of ships or vessels paying wages to the seamen or mariners when abroad; be it further enacted

by

by the authority aforesaid, That no master or owner of any ship or vessel carrying sugars as aforesaid, shall pay or advance, or cause to be paid or advanced to any seaman or mariner, during the time he shall be in parts beyond the seas, any money or effects upon account of wages, exceeding one moiety of the whole wages which shall be due from the time of his departure from *Great Britain*, until such ship or vessel shall return to *Great Britain*; and if any such master or owner of such ship or vessel shall pay or advance, or cause to be paid or advanced any wages to any seaman or mariner above the said moiety, such master or owner shall forfeit and pay double the money he shall so pay or advance, or cause to be paid or advanced, to be recovered in the high court of admiralty by any person who shall first discover and inform of the same.

Seamen to be paid but half their wages before their return home.

XIII. And be it further enacted by the authority aforesaid, That all penalties and forfeitures incurred by this act (except where it is otherwise hereby provided) shall and may be prosecuted in any of his Majesty's courts of record at *Westminster*, or the court of exchequer in *Scotland*; one moiety whereof to be for the use of his Majesty, his heirs and successors, and the other moiety to him or them who will sue for, prosecute, and recover the same; wherein no essoin, protection, or wager of law shall be allowed, nor any more than one imparlance.

Forfeitures how to be recovered.

XIV. And be it further enacted by the authority aforesaid, That if any person or persons shall be sued or prosecuted for any thing done or to be done in pursuance of this act, such person or persons may plead the general issue, and give this act and the special matter in evidence; and if the plaintiff or plaintiffs, prosecutor or prosecutors, shall become nonsuit, or forbear prosecution, or discontinue his, her, or their action, or if a verdict pass against him, her, or them, the defendant or defendants shall have treble costs, and shall have the like remedy for the same, as in cases where costs are by law given to defendants.

Persons sued may plead the general issue.

Treble costs.

XV. And be it further enacted by the authority aforesaid, That if any person or persons shall grant any false certificate, or counterfeit, erase, or alter any licence, oath, or certificate, made or given pursuant to this act, or shall knowingly or wittingly publish or make use thereof; such person or persons shall forfeit five hundred pounds, to be recovered and disposed of in the manner directed by this act; and such licence, oath, or certificate, so falsified, counterfeited, erased, or altered, shall be invalid, and of no effect.

Penalty of granting false certificates and forgeries.

XVI. Provided always, That nothing in this act contained shall extend, or be construed to extend, to give or grant any liberty to carry any sugars from any of the said sugar colonies to *Ireland*.

Proviso 17 Geo. 2. c. 40.

XVII. And be it further enacted, That this act shall continue and be in force five years, to be reckoned from the twenty ninth day of *September*, one thousand seven hundred and thirty nine, and from thence to the end of the then next session of parliament, and no longer.

Continuance.

Further continued by 24 Geo. 2. c. 57. sect. 7.

CAP. XXXI.

An act for establishing and well governing an hospital or infirmary in the city of Bath.

WHEREAS the medicinal and mineral waters of the city of Bath in the county of Somerset have been found by long experience, to give great relief to persons labouring under, or being afflicted with divers diseases, illnesses, or disorders incident to human bodies; but it very often happens, that poor persons so afflicted live at a great distance from the said city of Bath, and cannot bear the expence of going thither, and attending to use the said waters, by reason whereof great numbers of such poor persons have been prevented from using and trying such waters for their benefit and relief: and whereas his most excellent majesty hath out of his royal bounty, and divers other charitable and well-disposed persons have contributed and raised by free gift the sum of four thousand pounds, and upwards, in order to erect an hospital or infirmary in the said city of Bath, for the relief and support of such indigent and poor persons resident in and belonging to Great Britain and Ireland, as are not able without such charity to have any benefit from the said waters, and have actually begun to build such hospital or infirmary, and are now carrying on the same, not doubting but that it will by the present and future subscriptions and other charities be completed and continued for the benefit of futurity: and whereas the said charity deserveth to be promoted and encouraged, and will greatly tend to the honour and good of the publick; but as the good and generous intentions of his said most excellent Majesty, and the said charitable and well-disposed persons, cannot be so well and fully effected without an act of parliament, for the promoting, establishing and making good and effectual the said pious and charitable intentions; may it please your most excellent Majesty that it may be enacted, &c.

Governors appointed; who are declared a body corporate and politick, &c. The building vested in the said corporation. Nine to be a quorum. Methods of admitting patients. Persons minuted, to succeed in turn. To be supplied with money exclusive of any benefit to be received from the hospital. Persons loitering about the city after they are discharged, to be treated as vagabonds. Persons admitted into the hospital, not to obtain a settlement. Patients to have the use of the old hot bath, and the old pump, &c. The money and hospital to be managed by a president, 3 treasurers, and 32 assistants. To be chosen annually. Their proceedings subject to the inspection of the corporation. Money arising by sale of lands, &c. to be laid out in the purchase of others, for the use of the corporation. Members or governors dying, &c. others to be elected in their stead. Governors empowered to make by-laws. President to vote as a member at general courts; and to have a casting voice; and may appoint another member to act in his absence. Physicians, &c. to be chosen in a general assembly. Corporation to consist of 50 members at least. Actions to be laid in Com' Somerset, &c.

CAP. XXXII.

An act for ascertaining, preserving and improving the navigation of the river Lee, from the town of Hertford to the town of Ware in the county of Hertford; and for preserving and improving the said river from the said town of Ware to the new cut or river made by the mayor, commonalty and citizens of London; and for enabling the governor and company of the New River, the better to supply the cities of London and Westminster, and the liberties and suburbs thereof, with good and wholesome water.

WHEREAS there hath been and still is an ancient and accustomed navigation on that part of the river Lee, which runs from the borough and town of Hertford in the county of Hertford, to Ware Bridge in the town of Ware in the same county; which navigation hath formerly, at different times been carried on through different branches of the said river; but the same for many years past hath been and now is carried from the said borough and town of Hertford through a channel running to Ware Mills, unto and through a cistern or lock near the said mills, and from thence to Ware Bridge in the said town of Ware, and from thence to the river of Thames: and whereas the governor and company of the New River brought from Chadwell and Amwell to London, have for many years past had and received into the said New River a considerable quantity of water which issued out of the said river Lee at the mouth or opening of Manifold Ditch, which lies between the said town of Hertford and the said town of Ware: and whereas several disputes have arisen between the corporation of the said borough and town of Hertford, and the inhabitants of the said town of Ware, and the said governor and company, touching the water issuing out of the said river Lee into the said New River, and touching the course of the said navigation: and for ending thereof, and for preventing the like for the future, and for improving the navigation of the said river Lee, the corporation of the said borough and town of Hertford, and the inhabitants of the said town of Ware, and also the said governor and company, who have purchased Ware Mills aforesaid, have agreed that the navigation between Hertford and Ware Bridge may be fixed and ascertained in the present channel, and that the quantity of water which is to be taken from the river Lee into the said New River may be ascertained in the manner, and upon the terms and considerations herein after mentioned, which will redound to a general good; but cannot be established or rendered effectual without the aid of an act of parliament; wherefore the mayor, aldermen and commonalty of the said borough and town of Hertford, and the inhabitants of the said town of Ware, and also the said governor and company, most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled,

Navigation of
the river Lee
ascertained.

and by the authority of the same, That from and after the twenty fourth day of *June*, one thousand seven hundred and thirty nine, the navigation of the said river *Lee* shall be, and the same is hereby established, and for ever hereafter shall be fixed and continued in the same channel or course wherein the said river now runs, and is used for navigation, from the said town of *Hertford* to *Ware-mills*, as far as the lock or cistern near the said mills, and through the said lock or cistern to *Ware Bridge*, and from thence in and along the ancient river *Lee* unto the beginning of the cut or river made by the mayor, commonalty, and citizens of *London*, in pursuance of the act passed in the thirteenth year of the reign of Queen *Elizabeth*, intituled, *An act for the bringing of the river of Lee to the north side of the city of London*, and from thence in and along the said new cut or river unto the said river of *Thames*, in the same manner as the navigation hath been usually carried on and performed.

Occupiers of
Ware mills to
give a supply
of water for
the passage of
barges, &c.
through the
lock.

II. And be it further enacted by the authority aforesaid, That a sufficient supply of water from the mill-dam of the said *Ware-mills* shall be given by the owners or occupiers of the said mills, for the passage of all barges, boats, and craft through the said lock or cistern, and for carrying them from thence to *Ware-bridge*, and back again from *Ware-bridge* to and through the said lock or cistern, the owners or occupiers of every barge, boat, or craft passing through the same towards *Ware*, first paying to the owners or occupiers of the said mills the sum of one shilling for each barge, boat, or craft, for such passage through the said lock or cistern, and for such supply of water, and without paying any thing on their return through the said lock or cistern.

New river
company to
keep the lock
in repair.

III. And be it further enacted by the authority aforesaid, That the said governor and company shall from time to time, and at all times hereafter, at their own proper costs and charges, maintain and keep in good and sufficient repair the said lock or cistern near the said *Ware-mills*, for the conveniency of all barges, boats, and craft, that shall from time to time have occasion to pass or repass through the same; so as that, for want of any such repairs (otherwise than at the time or times of the absolute necessity of making good the same) they may not at any time or times be hindered or stopped in their passage through the same lock or cistern.

Trustees to set
up a turnpike
cross the river
Lee,

IV. And be it further enacted by the authority aforesaid, That the trustees herein after named, or to be appointed in pursuance of this act, or any ten or more of them, shall and may, out of the monies herein after appointed to be laid out for improving the navigation of the river *Lee*, between the town of *Hertford* and *Ware-bridge*, set up, erect, or build a turnpike, weir, jetty, or some other device cross the said river *Lee*, between the said mills and *Water-lane*, near the wall of the priory orchard in *Ware* aforesaid, in such convenient place and manner as by the said trustees, or any ten or more

of

of them, shall be thought most beneficial for the navigation of that part of the said river *Lee*, and be least detrimental to the said mills; and also from time to time, and at all times hereafter, scour, cleanse, and deepen the same river *Lee*, between the said mills and *Ware-bridge*; and shall have power to pass and repass with carts and carriages in, through, and over the grounds adjoining, for the purposes aforesaid, making such reasonable satisfaction to all owners or occupiers of lands and grounds which may be damaged or injured thereby, as the justices of the peace for the said county, at any general quarter-sessions, shall adjudge, in case the said trustees and the other parties concerned cannot agree; but the said governor and company shall have the direction and government of such turnpike, weir, jetty, or device after erected, and shall, from time to time, maintain and keep the same in good and sufficient repair, and permit all barges, boats, and craft, to pass through the same, without any toll or other acknowledgement for such passage.

and to cleanse
and deepen the
river.

The company
to have the di-
rection of the
turnpike after
erected.

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said governor and company of the *New River*, at all times for ever hereafter, to have, receive, and take from and out of the said river *Lee* into the said *New River*, and to hold, use, and enjoy a quantity or body of water constantly to issue from the said river *Lee*, at or near the mouth or opening of *Manifold Ditch* aforesaid, through the balance engine there lately erected by the said governor and company, and to pass and run along and through the said *Manifold Ditch*, to the ancient turnpike or sluice of the said governor and company, now standing cross the same ditch, near a small piece of land called *Chalk Island*, and from the said ancient turnpike or sluice in and along a cut or trench made from thence into the said *New River*, through the present timber gage or trough, there lately placed by the said company; which gage or trough is of the clear dimensions within the same, of six feet in weadth or breadth, two feet in depth, and fourteen feet in length, and is to be continued of the same and no greater dimensions for ever hereafter in brick, wood, or stone, as the said governor and company shall think most proper and useful, between the brick arch standing near the said turnpike and the said *New River*, and not be placed perpendicularly higher or lower than the present gage now is, to the intent that the said governor and company shall for ever hereafter be supplied with a constant quantity or body of water of the dimensions aforesaid, and no more, to run and pass from the said river *Lee* into the said *New River* in a natural course, and without any pen at the said gage or trough; and that it shall not be lawful to or for the said governor and company, at any time or times hereafter, to take any more, or other, or greater quantity of water than as aforesaid, out of and from the said river *Lee* or *Manifold Ditch* aforesaid, between

Draught of
water from the
river *Lee* into
the *New River*
ascertained.

the towns of *Hertford* and *Ware*, by or through any other passage, ditch, or cut, or in any other manner than as in this act is mentioned.

Means to prevent too great a quantity to be drawn off.

VI. And, to prevent any greater quantity of water than as aforesaid, at any time or times, passing from the said river *Lee*, through the said gage or trough, into the said *New River*; be it further enacted by the authority aforesaid, That the said governor and company shall, at their own costs and charges, for ever hereafter, maintain the turnpike or tumbling-bay now fixed and standing cross *Manifold Ditch* just below the mouth of the said new cut leading from thence to the *New River*, and all other tumbling-bays or turnpikes by the said governor and company hereafter to be erected, of the same height and breadth, and no higher or narrower than the present turnpike now is (which is fourteen feet wide) and so low as to keep or reduce the head of water flowing down the said ditch, to be upon a level with, and not higher than the top or uppermost part of the said gage or trough, in the said cut, and the two adjacent capped stones placed as standards, the one near the said brick arch, and the other near *Chadwell Spring*, now are; so that all superfluous water, more than can with a natural current pass through the said gage or trough, may run over the said tumbling-bay or bays, and fall again through the present channel, below the said ancient turnpike into the said river *Lee*.

The company to maintain the water-course,

VII. And be it further enacted by the authority aforesaid, That the said governor and company shall and may from time to time, and at all times hereafter, as need or occasion shall require, maintain and keep open the mouth of the said *Manifold Ditch*, on the side of the said river *Lee*, and remove all soil lying before or about the same, and cleanse, scour, and maintain the water-course through the said ditch, for conveying the said water to the said *New River*; they making satisfaction to the owners or occupiers of the lands adjoining thereunto, for all damages which shall be done thereby, in manner as herein after is mentioned; and shall and may for ever hereafter maintain and support the said balance-engine, or device, erected near the said mouth or opening of the said ditch next the said river *Lee*, that a necessary and sufficient quantity of water (neither more nor less, as near as may be) may from time to time run through the said *Manifold Ditch*, to supply and fill the said gage or trough; and shall for ever hereafter continue, the said balance-engine, or device, in the manner, and at or near the place where it now is.

and the balance engine;

and may erect a covering over it, and a house adjoining to it.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said governor and company to erect, build, and continue, or cause to be erected, built, and continued, over or upon the balance-engine, or device, for the time being, standing at or near the mouth of the said *Manifold Ditch*, any building or covering requisite for the preservation of the same, or otherwise; and also

to erect, build, and continue, or cause to be erected, built, and continued near or adjoining to such balance-engine, or device, a dwelling-house or habitation for one or more servant or servants, officer or officers of the said governor and company, who shall from time to time be employed to take care of such balance-engine, or device, and buildings thereunto belonging; the said governor and company making satisfaction to the owners or occupiers of the soil in such place or places whereon such dwelling-house or buildings shall be erected and built, in manner as is herein after also mentioned.

IX. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said governor and company, to have, hold, and enjoy for ever such balance-engine or device, and also the said dwelling-house and buildings, and the said gage or trough, turnpikes, sluices, and tumbling-bays, already erected, or any other gage or trough, turnpikes, sluices, or tumbling-bays, by virtue of this act to be erected and built, and from time to time to repair and amend the same; and they, or any of them, shall at all convenient times, have free entry and passage with their men, horses, carts, or other carriages, by, over, or through, any ground or land, in places, and at times meet or convenient, to and from such balance-engine or device, dwelling-house, or habitation, and buildings, gage or trough, turnpikes, sluices, or tumbling-bays, or to do or perform any thing necessary or requisite for the making, building, erecting, repairing, maintaining, preserving, or amending the same, or any part thereof, they the said governor and company making satisfaction for all such damages as shall be done thereby; the same, and all other satisfaction and recompence to be made by the said company, for any thing to be done by the authority of this act, to be ascertained by the trustees nominated and appointed, or to be nominated and appointed by or in pursuance of this act, or any ten or more of them, in case the parties cannot agree.

X. Provided always, and be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said trustees, or any ten or more of them, with any servants or surveyors with them, from time to time, and at all times hereafter, at all seasonable times in the day-time, to see and inspect the aforesaid balance-engine or device, gage or trough, turnpike or tumbling-bay, and the several conditions and repairs thereof, to the end that no more water shall or may be taken out of the said river *Lee* or *Manifold Ditch*, through the aforesaid gage or trunk, than ought to pass or run through the same by virtue of this act, or than shall be sufficient constantly to supply and fill the said gage or trough; and if upon any such inspection, any defects or wants of repair shall at any time or times appear, whereby a greater quantity of water than as aforesaid, shall or may pass through the said balance-engine or device, or the said gage or trough, then the said governor and company, within six months after notice shall be given in writing

The company to enjoy such engine, building, &c. for ever.

and to have free passage to and from thence,

making satisfaction for damages.

Trustees may inspect the balance-engine, to see if it be kept in repair.

ing to them, or to any of their servants employed to look after the same, of such defects or wants of repairs, shall from time to time well and sufficiently make good such defects, and repair the same, pursuant to the intent and meaning of this act; and in default thereof the said trustees, or any ten of them, shall and may do, or cause the same to be done, and be paid by the said company the reasonable charges thereof; but the principal works are to remain, and be fixed and framed in the same form and manner as the same now are or ought to be pursuant to this act.

Property of
Manifold
Ditch vested in
the company,

saving to all
persons their
respective
rights.

XI. And be it further enacted by the authority aforesaid, That the said course of water, or ditch, called *Manifold Ditch*, and the water running through the same to the said *New river*, shall for ever hereafter be deemed and taken to be a part of the said *New River*; and the property thereof shall be, and is hereby vested and settled in the said governor and company for ever, except and always reserving to the said mayor, aldermen, and commonalty of the said borough and town of *Hertsford*, and to all lords of manors, and others, their several accustomed rights to fish therein, and to all owners and occupiers of land adjoining to or lying near the said ditch, and to all persons having right of common in the common meadows lying near, or adjoining therunto, their respective rights of passing as usual through or over the same ditch at the usual ford, and to water their horses and cattle therein as usual, doing no damage to the said governor and company's works.

XII. And be it further enacted by the authority aforesaid, That no new mill, lock, or weir, shall hereafter be erected on the said river *Lee*, or any branch thereof, between the mouth of *Manifold Ditch* and *Ware-mills*, or on the said *Manifold Ditch*.

Prohibition to
do any damage to the
New River, or
the works
thereon.

XIII. And be it further enacted by the authority aforesaid, That no person or persons shall at any time or times cast or put in to the said water-course or ditch, called *Manifold Ditch*, or the said cut between the same, and the said *New River*, or into the said *New River*, or any of the water-courses, canals, ponds, reservoirs, or pipes already made or laid, or hereafter to be made or laid, for the conveyance or passage of the water from the same, to any part or parts of the said city of *London* or suburbs thereof, or to any part or parts of the said city of *Westminster*, or liberties thereof, any filth, rubbish, soil, dead dogs, dead cats, dead carcases, carrion, or other unwholesome thing; or wash or cleanse therein any wooll, hemp, flax, or other noisome thing; nor hinder, let, stop, draw off, turn, or divert the said water, or the current or passage thereof, by any device, art, contrivance, or means whatsoever, without the licence or consent of the said governor and company; nor do any damage, nuisance, or annoyance to the said lock or cistern, weir or jetty, gage or trough, turnpikes or tumbling-bays, or other buildings or erections aforesaid, or to the said water-course or ditch, or to the said cut between the same and the *New River*, or to the said *New River*,

River, or any the water-courses, canals, ponds, reservatories, pipes, banks, or bridges, of or belonging to the same.

XIV. And be it further enacted by the authority aforesaid, That the proprietors and occupiers of the said mills, called *Ware-mills*, shall for ever hereafter permit and suffer the usual quantity of water to be let out from the head of water at *Ware-mills*, from the said river *Lee*, at proper and convenient times and seasons, as heretofore, to run through the said town of *Ware*, for the cleansing and preserving the streets and highways leading through the said town; the usual and former exemptions of parish and other duties, rates and offices, and the former payments and allowances for the same, being from time time continued and made to and for the proprietors and occupiers of the said mills, and the premises by them held and enjoyed.

Water to be supplied from Ware-mills for cleansing the town of Ware.

XV. And for the better establishing the remedies, which as well the said governor and company may have against any person or persons, or which any person or persons may have against them; be it declared and enacted by the authority aforesaid, That the said governor and company shall, by the name of the governor and company of the *New River*, brought from *Chadwell* and *Amwell* to *London* (which name is originally given them by their charter) sue and implead, be sued and impleaded, answer and be answered in all courts of record, and elsewhere; and shall and may recover full satisfaction for any damage accruing by any matter or thing which shall be done contrary to this act, in or by an action of trespass, or on the case; and in case they recover in such action, shall be paid their full costs of suit, and have the like remedies for the same, as in other cases of costs.

New River company empowered to prosecute, &c.

XVI. And be it further enacted by the authority aforesaid, That the lord mayor, aldermen, and recorder of the city of *London* for the time being, the knights of the shire for the county of *Middlesex* for the time being, the members of parliament for the city of *Westminster* for the time being, *Walter Plumer*, *Richard Plumer*, esquires; Sir *Robert Grosvenor*, Sir *Nathaniel Curzon*, Sir *William Heatbroke*, baronets; *John Smart* esquire, *Rivers Dickenson* gentleman, Sir *Jeremy Vanacker Sambrooke* baronet, *Joseph Gascoigne Nightingale*, *Harry Gough*, *Ralph Harwood*, *Daniel Brattle*, *Hugh Smithson*, *John Francis Tyssen*, *Samuel Tyssen*, *Samuel Trench*, esquires; *Zacheus Haydon* gentleman, *William Pultney*, *John Hambleton*, *George Bourn*, esquires; the right honourable *Henry* lord *Coltraine* in the kingdom of *Ireland*, the knights of the shire for the county of *Essex* for the time being, the members of parliament for the borough of *Colchester* for the time being, Sir *Edward Smith*, Sir *Cæsar Child*, baronets; *Charles Wake Jones*, *John Abdy*, *Edward Conyers*, *Andrew Searle*, junior, *Richard Lockwood*, *Peyton Altham*, *Richard Staines*, *Thomas Archer*, *John Comyns*, *Peter Floyer*, *William Harvey senior*, *William Glascock*, *Robert Snell*, *John Badger Waller*, *Richard Morgan*, esquires; *Richard Collard*, *William Pigbourn*, *John Kempe*, *John Rochester*, gentlemen; the knights of the shire for the county of *Hertford* for the time being, Sir *Thomas Clarke* knight

knight, *Nathaniel Brassey, John Byde, Thomas Plumer Byde, William Cowper, Charles Caesar, Peter Calvert, Felix Calvert of Pelham* esquires; *Sir Thomas Clarges* baronet, *Henry Dunster, William Field, George Harrison, Thomas Hall*; the honourable *Charles Leigh, Charles Monson, William Plumer, Richard Reynolds, William Shaw, William Stanley, Richard Warren, Thomas Winnington*, esquires; the mayor of *Hertford* for the time being, *Thomas Martin, Robert Plomer*, esquires; and *George Hathaway* gentleman, shall be and are hereby nominated trustees for the putting in execution the powers and trusts in them reposed, by virtue or in pursuance of this act, for the purposes herein expressed; and that the said trustees, or any ten or more of them, shall first meet and assemble together at the house known by the sign of *The Old Crown at Ware*, on *Monday* the sixth day of *August*, one thousand seven hundred and thirty nine; and also yearly, and every year thereafter, on the first *Monday* in *August*, at the place aforesaid, or at any other place within the city of *London*, or counties of *Hertford, Essex, or Middlesex*, as they the said trustees, or any ten of them, shall think proper or convenient; and at such their meetings shall and may from time to time adjourn themselves, and meet at any place or places within the city or counties aforesaid, as they, or any ten or more of them, shall think most proper or convenient for putting in execution the powers and trusts in them reposed by virtue or in pursuance of this act; and if there shall not be ten trustees present at any such meeting or meetings so to be appointed, then, and in any such case, such meetings shall be continued, and stand and be adjourned over to that day four weeks, and to the same place as such meeting was last appointed to be held; and the clerk or proper officer of the said trustees, which they, or any ten or more of them, are hereby impowered to appoint and remove, as they think fit, shall give at least fourteen days notice in the *London Gazette*, or such other notice as the said trustees, or any ten or more of them, shall from time to time order or direct, of the day and place on which such adjourned meeting shall be held; and that the said trustees at their first meeting, and at all subsequent meetings, shall defray their own charges and expences.

Trustees when and where to meet.

If there be not ten at any meeting the same to be adjourned till that day 4 weeks.

Sums to be paid by the New River company to such persons as the trustees shall appoint.

XVII. And be it further enacted by the authority aforesaid, That the said governor and company of the *New River* shall pay, or cause to be paid unto such person and persons as the said trustees, or any ten or more of them, at their first general meeting, or at any other of their general meetings, shall from time to time, by writing under their hands, appoint, the several sums of money in the manner and at the times herein after mentioned; that is to say, the several sums of two thousand five hundred pounds, and seven hundred and fifty pounds, of lawful money of *Great Britain*, on the nine and twentieth day of *September*, one thousand seven hundred and thirty nine; and yearly and every year for ever, from the said nine and twentieth day of *September*, one thousand seven hundred and thirty nine, the several yearly

sums

sums of three hundred pounds, and fifty pounds of like lawful money, by two equal half-yearly payments, that is to say, on the five and twentieth day of *March*, and the nine and twentieth day of *September*; the first payment thereof to begin and be made on the five and twentieth day of *March*, one thousand seven hundred and forty; such payments to be made at the office, place, or house where the said company do or shall usually meet for the dispatch of their business within the cities of *London* or *Westminster*, or the suburbs or liberties thereof, upon demand to be made by the person or persons so to be appointed to receive the same as aforesaid, of or from the treasurer, clerk, or agent of the said company for the time being; and in default of such payment by the space of one and twenty days after such demand, and after a duplicate of such appointment shall be left with the said treasurer, clerk, or agent of the said company, the same shall and may be recovered against the said governor and company, with full costs of suit, by action to be brought against the said governor and company, in the names of five or more of the said trustees, in any of his Majesty's courts of record at *Westminster*, to be laid in any place within the city of *London*, or county of *Middlesex*; wherein the plaintiffs may declare, that the said governor and company, being indebted to the said plaintiffs in the sum or sums then in arrear (specifying the same, and the time when it became payable by virtue of this act, mentioning the title thereof) have not paid the same, although demanded according to the said act; and in which action or actions no es- soign, protection, or wager of law, or more than one imparlance shall be allowed.

The same, on nonpayment, recoverable by distress.

XVIII. And be it further enacted by the authority aforesaid, That the sum of one thousand pounds, part of the said two thousand five hundred pounds, shall be paid to *George Hathaway*, *John Dockwra*, *Anthony Fage*, *Humphry Ives*, *Thomas Fletcher*, *Ambrose Proffor*, and *Wayte Hampson*, the survivors or survivor of them, inhabitants of the said parish of *Ware*; out of which they shall in the first place pay and discharge all such sum and sums of money as have been borrowed and actually laid out in carrying on and executing a late commission of sewers, for preserving the navigation of the *River Lee*, from *Ware* to the river of *Thames*, or for scouring, cleansing, or deepening the same, which still remains due and unpaid, and also all such further sum and sums of money, costs, charges, and expences, as the said inhabitants of *Ware*, or any of them, have at any time been at, or have expended or laid out, in, about, or any ways relating to the obtaining this present act; and shall and may apply the residue of the said sum of one thousand pounds, in such manner as the said *George Hathaway*, *John Dockwra*, *Anthony Fage*, *Humphry Ives*, *Thomas Fletcher*, *Ambrose Proffor*, and *Wayte Hampson*, or the major part of them, or of the survivors of them, shall think most beneficial towards carrying on the navigation from the said town of *Ware*; and that the residue of the said sum of two thousand five hundred pounds, and also the said three hundred pounds

Application thereof.

a year, shall from time to time be paid and applied for the better preservation and improvement of the said navigation of the said river *Lee* from *Ware-bridge* to the beginning of the said new cut, and for purchasing, building, or hiring locks or weirs upon the said river, in such manner as the said trustees, or any ten or more of them, shall direct; and also for defraying all such charges and expences as shall be necessary for executing the powers in this act contained; and the said monies shall be issued and paid by the person and persons so to be appointed to receive the same, according to such orders as the trustees, or any ten or more of them, at any of their general meetings shall make for that purpose; and that out of the said sum of seven hundred and fifty pounds, shall in the first place be paid all such sum and sums of money, costs, charges, and expences, as the said mayor, aldermen, and inhabitants of the said town of *Hertford*, or any of them, have at any time been at, or have expended or laid out in the scouring and cleansing the river *Lee*, between the said town of *Hertford* and *Ware-bridge*, or in erecting or repairing the turnpikes thereon, not exceeding in the whole the sum of three hundred and two pounds, twelve shillings; and also all such further sum and sums as they, or any of them, have laid out, expended, or been at, in, about, or any ways relating to the obtaining this present act, as the said trustees, or any ten or more of them, shall at any general meeting think fit and direct to be paid; and that the residue of the said sum of seven hundred and fifty pounds, and the said sum of fifty pounds a year, shall from time to time be paid and applied for the preservation and improvement of the navigation of the said river *Lee*, between the said town of *Hertford* and *Ware-bridge*, and also for defraying all such charges and expences as shall be necessary for executing the powers in this act contained, in such manner as the said trustees, or any ten or more of them, shall direct or appoint; which said trustees are hereby authorized and empowered to do and execute all such acts, powers, and trusts, for the preservation and improvement of the navigation of the river *Lee*, from *Ware-bridge* to the beginning of the said new cut, to all intents and purposes, in as full, large, and ample manner, as they the said trustees are herein before empowered to do and execute for the preservation and improvement of the navigation of the said river *Lee*, between the said town of *Hertford* and *Ware-bridge* aforesaid.

Vacancies of
trustees how
to be filled up.

XIX. And be it further enacted by the authority aforesaid, That for the continuing of a sufficient number of fit and able persons to be trustees for ever for the purposes in this act expressed, it shall and may be lawful to and for the said trustees herein before named, and the trustees to be hereafter named, or any ten or more of them, upon the death of any of the said trustees, or their removal, or refusal to act in the said trust, at any public meeting or meetings, whereof twenty one days notice shall at least be given in the *London Gazette*, or such other notice as the said trustees, or any ten or more, shall from time to time order and direct, by any writing or writings under their hands, from time

to

to time, and at all times hereafter, to elect, nominate, and appoint in the room of such trustee or trustees so deceased, removed, or refusing to act, so many more fit and able person or persons, who at the time of such election, nomination, or appointment, shall have lands, tenements, or other hereditaments in fee-simple, fee-tail, or for term of life, of the clear yearly value of one hundred pounds, or upwards, and who shall live and reside in the same county where such trustee or trustees so dying, removed, or refusing to act, did at the time of his and their being elected, nominated, or appointed, live and reside, to be joined with them in the execution of all and every the powers and trusts in the said trustees reposed by virtue and in pursuance of this act; and all and every person and persons, from time to time, so as aforesaid to be elected, nominated, or chosen to join in the putting in execution this act, shall and may, and they are hereby impowered to act and do to all intents and purposes in as full, large, and ample manner as they the said trustees herein before appointed are by this act impowered to act and do.

XX. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said trustees appointed, or to be appointed for putting this present act in execution, or any ten or more of them, at any of their general meetings, to apply for and sue out any commission or commissions of sewers, for the better scouring, cleansing, and preserving the said river *Lee*, from the said town of *Heriford* to *Ware-bridge*, and from thence to the said new cut or river made by the said mayor, commonalty, and citizens of *London*, and to apply any sum or sums of money, which shall from time to time be in the hands or power of the said trustees appointed, or to be appointed by this act, for the defraying the expences of taking out and executing such commission or commissions of sewers, in such manner as shall be thought necessary.

XXI. And be it further enacted by the authority aforesaid, That if any owner or owners, or steersman of any boat, barge, or vessel navigating in and upon the said river, shall permit or suffer any fishing-net, gun, engine, or other instrument for taking and destroying of fish or game, to be carried in such boat, barge, or vessel, being thereof convicted by the oath of one or more credible witness or witnesses, before two or more of the said trustees (which oath they are hereby authorized to administer) shall forfeit for every such offence the sum of five pounds, to be levied by warrant of the said trustees, or any two or more of them, by distress and sale of the said offender's goods, rendering the overplus (the charge of such warrant, distress, and sale being thereout first deducted) to such offender; one moiety of the said forfeiture to be paid to the informer, and the other moiety to the poor of the parish where such offender shall be convicted.

XXII. Saving and reserving at all times hereafter unto the mayor, commonalty, and citizens of *London*, all their rights and privileges, which by any law, usage, or custom, they have at any

Trustees impowered to sue out commissions of sewers.

Penalty on vessels carrying nets, &c. for destroying fish.

Saving to all persons their respective rights.

anytime heretofore held, had, or enjoyed, or now hold, have, or enjoy, in or upon the said river *Lee*, or any part thereof; and also saving and reserving, at all times hereafter, unto all persons whatsoever, their several just rights and privileges, which by law they have at any time heretofore had, held, or enjoyed, or now hold, have, or enjoy, in or upon the said river *Lee*, or any part thereof, or in, upon, or relating to the said *New River*, or any part thereof; or any lands, grounds, or hereditaments, through which the stream of the said *New River*, or any part thereof runs, or in, upon, or through which any water-courses, canals, ponds, reservoirs, mains, or pipes, are or have been made or laid; saving also, and reserving unto all persons whatsoever, owners of any lands, and other hereditaments, through which the said *New River* runs, all their rights and privileges, which by an act of parliament passed in the third year of the reign of his majesty King *James* the First, intituled, *An act for the bringing in a fresh stream of running water into the north part of the city of London*, are saved and reserved; and also saving and reserving to the several owners of any lands, or other hereditaments, through which any of the said company's mains or pipes are or shall be laid, such yearly rents, satisfaction, or recompence, as the said company is or shall by agreement be liable to pay and discharge; any thing in this present act contained to the contrary thereof, in any wise notwithstanding.

Publick act.

XXIII. And be it further enacted by the authority aforesaid, That this act shall be deemed and taken to be a publick act; and notice shall be taken thereof as such in all courts of justice, and elsewhere, without specially pleading of the same; and if any action, suit, or information shall be brought or commenced by or against any person or persons, or by or against the said governor and company of the *New River*, for any thing done pursuant to this act, every such action, suit, or information, shall be brought and commenced within twelve kalendar months next after the facts committed, and not afterwards, and shall be laid or brought in the county or city where the matter in dispute shall arise, and not elsewhere; and the defendant or defendants in such action or suit shall and may plead the general issue, and give this act and the special matter in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if the same shall appear to have been so done, or if any such action, suit, or information shall be brought or commenced after the time before limited, for bringing or commencing the same, or shall be laid or brought in any other county, city, or place, than where the matter in dispute shall lie, then the jury shall find for the defendant or defendants; or if the plaintiff or plaintiffs shall become nonsuited, or suffer a discontinuance of his, her, or their action or actions, or if a verdict shall pass, or judgment upon demurrer be given against the plaintiff or plaintiffs, the defendant or defendants shall have full costs, and such remedy for the same, as

Limitation of actions.

General issue.

Full costs.

any

any defendant or defendants hath or have, or may or can have for costs in any other cases by law.

C A P. XXXIII.

An act to enlarge the powers of the commissioners for building a bridge cross the river Thames, from the Woolstaple, or thereabouts, in the parish of Saint Margaret in the city of Westminster, to the opposite shore in the county of Surrey; and to enable them by a lottery to raise money for the several purposes therein mentioned; and to enlarge the time for exchanging tickets unclaimed in the last lottery for the said bridge; and to make provision for tickets in the said lottery lost, burnt, or otherwise destroyed.

WHEREAS the commissioners for building a bridge cross the river Thames, from the Woolstaple, or thereabouts, in the parish of Saint Margaret in the city of Westminster, to the opposite shore in the county of Surrey, are by virtue of several acts of parliament made in the ninth, tenth and eleventh years of the reign of his present Majesty, some or one of them respectively, authorized and empowered to agree with the owners and occupiers of ground, and of such houses as they, or any nine or more of them shall judge fit to be removed, rebuilt or pulled down, and to purchase the same, for the better or more effectual widening and rendering more commodious the several ways, streets and passages on each side the river Thames, to and from the said bridge; as also, to lett, sell, or dispose of such piece or pieces of ground as they may be possessed of, over and above what may be necessary for the opening and widening of ways, streets and passages as aforesaid, either together or in parcels, as they shall find most advantageous and convenient, to such person or persons as shall be willing contract, agree for, or purchase the same; and to design, assign, and lay out in what manner the new houses to be built shall be erected and built, and of what breadth and extent the said streets and passages shall be; and also to sell and dispose of the materials of such house or houses, as the said commissioners shall purchase and cause to be pulled down as aforesaid: and whereas several doubts have arisen, and may arise, relating to the construction, force and effect of the powers vested in the commissioners, whereby the executing the purpose and design of the said acts of parliament in the best and most advantageous manner, may be prevented, or greatly obstructed: and whereas the several ways, streets and passages near the said intended bridge are very narrow, and incommodious for the passing and repassing of coaches, carts and other carriages, to the hindrance and obstruction of trade and commerce in that neighbourhood, and most of the houses therein and thereto adjacent are very old; and in a ruinous and decaying condition: and whereas several convenient ways and streets might be made on each side the river Thames, to and from the intended bridge, as also to and from the courts of justice, and both houses of parliament, to the great ease and advantage of passengers and the publick in general, in case the

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said houses and estates were under the disposition and management of the said commissioners, and the powers already vested in them were further explained and enlarged: wherefore, for preventing all doubts and difficulties concerning the premises, and for promoting and encouraging a design so useful and beneficial to the publick; may it please your most excellent Majesty that it may be enacted, &c.

Commissioners impowered to make convenient passages to and from the bridge, and to agree with the owners of houses and lands for that purpose. Limits assigned them. Any persons refusing to treat, a jury to be impanelled. Commissioners judgment thereupon to be final. Their and the juries proceedings to be kept among the records of Middlesex and Surrey respectively. On payment of the sums awarded, commissioners impowered to pull down houses, &c. On any dispute between the parties interested in the premises, &c. Commissioners to pay the money into the bank, or place it out in the funds; and thereupon dispose of the premises according to the act. The sums paid to trustees for infants, &c. to be laid out in the purchase of lands, &c. in fee simple. Trustees to convey the lands, &c. to the commissioners in fee simple. Commissioners to meet and adjourn. Any nine of them may meet before the stated day. Commissioners impowered to dispose of grounds more than necessary for the purposes of the act. 225,000 l. to be advanced by 5 l. lottery tickets. 15 l. for every 100 l. amounting in the whole to 48,750 l. to be deducted, to be applied to the building the bridge. Penalty on selling chances of tickets for less than the whole time of drawing. 500 l. Penalty on selling interests in tickets not in the persons possession. Commissioners impowered to place out the monies on publick security. The former directors continued, to exchange tickets of the past lottery unclaimed. The bank to pay to the commissioners treasurer the sums due on the tickets unexchanged.

CAP. XXXIV.

An act for enlarging the term and powers granted by an act passed in the twelfth year of the reign of his late majesty King George the First, for repairing the road from Spittlegate-hill near Grantham in the county of Lincoln, to Little Drayton in the county of Nottingham.

The tolls are further continued for 21 years.

CAP. XXXV.

An act for enlarging the term and powers granted by an act passed in the eighth year of the reign of his late majesty King George the First, for amending the highways leading from Bramton-bridge to Welford-bridge in the county of Northampton; and also the great post road, from Morter-pit-hill, in the said county, through Brixworth, Lamport, Maidwell, Keldmarth, and Oxenden-magna, to Chain-bridge, leading in to Market-harborough in the county of Leicester.

The tolls are further continued for 21 years. Continued by 23 Geo. 2. c. 84

CAP. XXXVI.

An act for prohibiting the importation of books reprinted abroad, and first composed or written, and printed in Great Britain; and for repealing so much of an act made in the eighth year of the reign of her late majesty Queen Anne, as impowers the limiting the prices of books.

WHEREAS the duties payable upon paper imported into this kingdom, to be made use of in printing, greatly exceed the duties payable upon the importation of printed books, whereby foreigners and others are encouraged to bring in great numbers of books, originally printed and published in this kingdom and reprinted abroad, to the diminution of his Majesty's revenue, and the discouragement of the trade and manufacture of this kingdom; for the preventing thereof for the future, may it please your most excellent Majesty that it

Preamble.

may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty ninth day of September, one thousand seven hundred and thirty nine, it shall not be lawful for any person or persons whatsoever, to import or bring into this kingdom for sale, any book or books first composed or written and printed and published in this kingdom, and reprinted in any other place or country whatsoever; and if any person or persons shall import or bring into this kingdom for sale, any printed book or books, so first composed or written and printed in this kingdom, and reprinted in any other place or country as aforesaid; or knowing the same to be so reprinted or imported, contrary to the true intent and meaning of this act, shall sell, publish or expose to sale any such book or books; then every such person or persons so doing or offending, shall forfeit the said book or books, and all and every sheet or sheets thereof; and the same shall be forthwith damasked, and made waste paper; and further that every such offender or offenders shall forfeit the sum of five pounds, and double the value of every book which he or they shall so import or bring into this kingdom, or shall knowingly sell, publish, or expose to sale, or cause to be sold, published or exposed to sale, contrary to the true intent and meaning of this act; the one moiety thereof to the King's most excellent majesty, his heirs and successors, and the other moiety to any person or persons that shall sue for the same; to be recovered with costs of suit in any of his Majesty's courts of record at *Westminster* by action of debt, bill, plaint or information; in which no wager of law, essoin or protection, or more than one imparlance shall be allowed; and if the offence be committed in *Scotland*, to be recovered before the court of session there, by summary action: provided that this act shall not extend to any book that has not been printed or reprinted in this kingdom within twenty years before the same shall be imported.

Penalty on importing or selling books first written and printed in this kingdom, and reprinted abroad.

Exceptions.

II. Provided always, That nothing in this act contained shall extend to prevent or hinder the importation of any book first composed or written, and printed in this kingdom, which shall or may be reprinted abroad, and inserted among other books or tracts, and to be sold therewith, in any collection, where the greatest part of such collection shall have been first composed or written, and printed abroad; any thing in this act contained to the contrary notwithstanding.

III. And be it further enacted by the authority aforesaid, That so much of an act made in the eighth year of the reign of her late majesty Queen *Anne*, intituled, *An act for the encouragement of learning, by vesting the copies of printed books in the authors or purchasers of such copies, during the times therein mentioned*, whereby it is provided and enacted, That if any bookseller or booksellers, printer or printers shall, after the said five and twentieth day of *March*, one thousand seven hundred and ten, set a price upon, or sell, or expose to sale any book or books, at such a price or rate as shall be conceived by any person or persons to be high and unreasonable, it shall and may be lawful for any person or persons to make complaint thereof to the lord archbishop of *Canterbury* for the time being, the lord chancellor, or lord keeper of the great seal of *Great Britain* for the time being, the lord bishop of *London* for the time being, the lord chief justice of the court of *Queen's Bench*, the lord chief justice of the court of *Common Pleas*, the lord chief baron of the court of *Exchequer* for the time being, the vice chancellors of the two universities for the time being, in that part of *Great Britain* called *England*, the lord president of the sessions for the time being, the lord justice general for the time being, the lord chief baron of the exchequer for the time being, the rector of the college of *Edinburgh* for the time being in that part of *Great Britain* called *Scotland*, who, or any one of them, shall, and have hereby full power and authority from time to time, to send for, summon, or call before him or them, such bookseller or booksellers, printer or printers, and to examine and enquire of the reason of the dearness and inhancement of the price or value of such book or books by him or them so sold, or exposed to sale; and if upon such enquiry and examination it shall be found, that the price of such book or books is enhanced, or any wise too high or unreasonable, then, and in such case, the said archbishop of *Canterbury*, lord chancellor, or lord keeper, bishop of *London*, two chief justices, chief baron, vice chancellors of the universities in that part of *Great Britain* called *England*, and the said lord president of the sessions, lord justice general, lord chief baron, and rector of the college of *Edinburgh* in that part of *Great Britain* called *Scotland*, or any one or more of them, so enquiring and examining, have hereby full power and authority to reform and redress the same, and to limit and settle the price of every such printed book and books, from time to time, according to the best of their judgments, and as to them shall seem just and reasonable; and in case of alteration of the rate or price from what was set or demanded by such bookseller or

Clause in the
act 8 Anne,
c. 19. repealed.

or booksellers, printer or printers, to award and order such bookseller and booksellers, printer and printers, to pay all the costs and charges, that the person or persons so complaining shall be put unto by reason of such complaint, and of the causing such rate or price to be so limited and settled; all which shall be done by the said archbishop of *Canterbury*, lord chancellor, or lord keeper, bishop of *London*, two chief justices, chief baron, vice chancellors of the two universities in that part of *Great Britain* called *England*, and the said lord president of the sessions, lord justice general, lord chief baron, and rector of the college of *Edinburgh* in that part of *Great Britain* called *Scotland*, or any one of them, by writing under their hands and seals, and thereof publick notice shall be forthwith given by the said bookseller or booksellers, printer or printers, by an advertisement in the *Gazette*; and if any bookseller or booksellers, printer or printers, shall, after such settlement made of the said rate and price, sell, or expose to sale any book or books at a higher or greater price than what shall have been so limited and settled as aforesaid; then, and in every such case, such bookseller and booksellers, printer and printers, shall forfeit the sum of five pounds for every such book so by him, her or them sold or exposed to sale, one moiety thereof to the Queen's most excellent majesty, her heirs and successors, and the other moiety to any person or persons that shall sue for the same, to be recovered with costs of suit, in any of her Majesty's courts of record at *Westminster*, by action of debt, bill, plaint or information, in which no wager of law, essoin, privilege or protection, or more than one imparlance shall be allowed; and every part of the said clause, shall be, and the same is hereby repealed.

IV. And be it further enacted, That this act, (except so much thereof as repeals the before-mentioned clause in the said act of the eighth year of the reign of the late Queen *Ann*, relating to the prices of books) shall continue and be in force from the said twenty ninth day of *September*, one thousand seven hundred and thirty nine, for and during the space of seven years, and from thence to the end of the then next session of parliament, and no longer,

Commence-
ment and con-
tinuance of
this act.

Further conti-
nued by 27 Geo.
2. c. 24.

Anno decimo tertio GEORGE II. Regis.

AT the parliament begun and holden at Westminster, the fourteenth day of January, Anno Domini one thousand seven hundred and thirty four, in the eighth year of the reign of our sovereign lord George II. by the grace of God of Great Britain, France and Ireland, King, defender of the faith, &c. And from thence continued by several prorogations to the fifteenth day of November, one thousand seven hundred and thirty nine, * being the sixth session of this present parliament.

* Continuat.
usque ad et in
Martis, xxx^{um}
diem Septem-
bris anno reg-
ni, &c. xiv^o in
Recordo.

CAP. I.

An act for continuing the duties upon malt, mum, cyder and perry, in that part of Great Britain called England; and for granting to his Majesty certain duties upon malt, mum, cyder and perry, in that part of Great Britain called Scotland; for the service of the year one thousand seven hundred and forty. Exp.

CAP. II.

An act for granting an aid to his Majesty by a land tax to be raised in Great Britain, for the service of the year one thousand seven hundred and forty. Exp. 4 s. in the pound.

CAP. III.

An act for the better supply of mariners and seamen to serve in his Majesty's ships of war, and on board merchant ships, and other trading ships, and privateers.

Preamble.

FOR the better supply of mariners and seamen to serve in his Majesty's ships of war, and on board merchant ships, and other trading vessels, and privateers, and for the better carrying on the present or any future war, and the trade of Great Britain during the continuance thereof; may it please your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That during the continuance of this present war, and no longer (except in respect to such merchant ships, and other trading ships or vessels, and privateers, which shall be on their voyage before the determination of the war, who shall be, and are hereby allowed the liberty and benefit of returning home navigated in the manner as herein after is provided) it shall and may be lawful for any merchant ship, or other trading ship or vessel, or privateer, to be navigated by foreign seamen or mariners, not being natives of Great Britain, or any of the colonies or plantations there-to belonging, or his Majesty's natural or naturalized subjects, so

Merchant
ships, &c.
may be navi-
gated by 3 4ths
foreigners,
during the
war.

as

as the number of such foreign seamen or mariners do not exceed three fourths of the mariners at any one time employed to navigate such merchant ship, or other trading ship or vessel, or privateer; and that one fourth at least of the mariners or seamen so employed be at all times natives or his Majesty's naturalized subjects of *Great Britain* (sudden death, and a hazard and casualties of war, and the seas, saved and excepted) one act of parliament made in the twelfth year of the reign of his late majesty King *Charles the Second*, intituled, *An act for the encouraging and increasing of shipping and navigation*, or any other statute or law to the contrary notwithstanding.

II. And for the better encouraging of foreign mariners and seamen, to come and serve on board ships belonging to this kingdom of *Great Britain*, be it further enacted by the authority aforesaid, That every such foreign mariner or seaman who shall, from and after the first day of *January*, one thousand seven hundred and thirty nine, have faithfully served during the time of war on board any of his Majesty's ships of war, or any merchant or other trading ship or ships, vessel or vessels, or privateers (which at the time of such service shall belong to any of his Majesty's subjects of *Great Britain*) for the space of two years, shall to all intents and purposes be deemed and taken to be a natural born subject of his Majesty's kingdom of *Great Britain*, and have and enjoy all the privileges, powers, rights, and capacities, which such foreign mariner or seaman could, should, or ought to have had, and enjoyed, in case he had been a natural born subject of his Majesty, and actually a native within the kingdom of *Great Britain*.

Foreign seamen serving on board men of war, or merchant ships, a years during the war, to be deemed natural born subjects.

III. Provided nevertheless, and it is hereby further enacted Proviso, and declared, That no person, who shall be naturalized by virtue of this act, shall thereby be enabled to be of the privy council, or a member of either house of parliament, or to take any office or place of trust, either civil or military, or to have any grant of lands, tenements, or hereditaments from the crown, to himself, or any other person or persons in trust for him; any thing herein contained to the contrary thereof in any wise notwithstanding.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, his heirs and successors, at all times when it shall be found necessary to declare war against any foreign power, to publish a royal proclamation, if he or they shall judge it requisite, to permit all merchant ships, and other trading vessels, and privateers, to be manned with foreign mariners and seamen during such war, in the manner as by this act is provided; and that upon the publishing of such proclamation, this act and every thing therein contained shall be deemed to be in full force and virtue, and have continuance for and during the time of any such war, and no longer, except in respect to such merchant ships, and other trading ships or vessels, and privateers, which shall be on their voyage before the determination of such war, who shall be and are

The same may be practised in any future war,

hereby allowed the liberty and benefit of returning home navigated in the manner as herein before is provided.

CAP. IV.

An act for the more effectual securing and encouraging the trade of his Majesty's British subjects to America, and for the encouragement of seamen to enter into his Majesty's service.

Preamble.

WHEREAS the trade of his Majesty's subjects in America hath for many years been greatly annoyed by the Spaniards, their undoubted right to navigate in those seas, without any molestation, hath been unjustly interrupted, on pretences altogether groundless and unwarrantable, divers ships and vessels belonging to British subjects have been seized and confiscated, the sailors have been injuriously imprisoned, and barbarously treated, and the British colours have been insulted in the most ignominious manner: and whereas his Majesty hath been obliged to declare war against the king of Spain, his vassals, and subjects, to revenge the injuries, and obtain ample satisfaction for the wrongs done to his subjects: now for the better carrying on the said war with vigour, and for the encouragement of the officers and seamen of his Majesty's ships of war, and the officers and seamen of all other British ships and vessels having commissions or letters of marque, and for inducing all British seamen, who may be in any foreign service, to return into this kingdom, and become serviceable to his Majesty, and for the more effectual securing and extending the trade of his Majesty's subjects to America, and elsewhere, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the flag-officers, commanders, and other officers, seamen, marines, and soldiers, on board every ship and vessel of war in his Majesty's pay shall have the sole interest and property of and in all and every ship, vessel, goods, and merchandize, which they shall take after the fourth day of January, in the year of our Lord one thousand seven hundred and thirty nine, in Europe; and after the twenty fourth day of June, in the year of our Lord one thousand seven hundred and forty, in any other part of the world (being first adjudged lawful prize in any of his Majesty's courts of admiralty in Great Britain, or in his plantations in America, or elsewhere) to be divided in such proportions, and after such manner, as his Majesty, his heirs and successors shall think fit to order and direct, by proclamation to be issued for that purpose.

Officers, seamen, marines, and soldiers, to have the sole property of all prizes they take in Europe after 4 Jan. 1739. And in any other part of the world, after 4 June, 1740.

Lord high admiral; &c. to grant commissions to commanders of privateers.

II. And be it further enacted by the authority aforesaid, That the lord high admiral of Great Britain, or the commissioners for executing the office of lord high admiral of Great Britain for the time being, or any three or more of them, or any person or persons in any part of America, or elsewhere, by him or them empowered or appointed, shall, from and after the fourth day of January, one thousand seven hundred and thirty nine,

nine, at the request of any *British* owner or owners of any ship or vessel, giving such bail and security as have been usually taken upon granting commissions, or letters of marque (except only for the payment of the tenths of the value of prizes which shall be taken, to the lord high admiral, or commissioners for executing the office of lord high admiral for the time being) cause to be issued forth in the usual manner, one or more commission or commissions, to any person or persons whom such owner or owners shall nominate to be commander, or in case of death successively commanders, of such ship or vessel, for the attacking, surprizing, seizing, and taking, by and with such ship or vessel, or the crew thereof, any place or fortrefs upon the land, or any ship or vessel, goods, ammunition, arms, stores of war, or merchandizes, belonging to or possessed by any of his Majesty's enemies, in any sea, creek, haven, or river; and that such ship or ships, vessel or vessels, arms, ammunitions, stores of war, goods, and merchandizes whatsoever, with all their furniture, tackle, or apparel so to be taken by or with such private owner or owners, ship or vessel, according to such commission and commissions, being first adjudged lawful prize in any of his Majesty's courts of admiralty as aforesaid, shall wholly and intirely belong to, and be divided between and among, the owner and owners of such ship or vessel, and the several persons which shall be on board the same, and be aiding and assisting to the taking thereof, in such shares and proportions, as shall be agreed on with the owner or owners of such ship or vessel, as shall be the captor thereof, their agents, or factors, as the proper goods and chattels of such owner or owners, and the persons that shall be thus intitled thereto, by virtue of such agreements among themselves; and that neither his Majesty, his heirs or successors, or any admiral, vice-admiral, governor or other person commissioned by or claiming under his Majesty, his heirs or successors, or any person or persons whatsoever, other than the owner or owners of such ship or vessel, being the captor of such prize, ship, or vessel, arms, ammunition, stores of war, goods, and merchandizes, and the persons claiming under him or them, shall be intitled to any part or share thereof, except as to the customs and duties herein after mentioned; any custom, statute, or other law to the contrary notwithstanding.

III. And for the more speedy proceeding to condemnation, or other determination of any prize, ship or vessel, goods or merchandizes, taken as aforesaid, and for lessening of the expences that have been usual in the like cases, be it further enacted by the authority aforesaid, That the judge or judges of such court of admiralty, or other person or persons thereto authorized, shall, within the space of five days, after request to him or them for that purpose made, finish the usual preparatory examination of the persons commonly examined in such cases in order to prove the capture to be lawful prize, or to enquire whether the same be lawful prize or not, and that the proper monition usual in such cases shall be issued by the person or persons proper to issue the same, and shall be executed in the usual

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How the prizes shall be tried, for condemnation.

manner by the person or persons proper to execute the same, within the space of three days after request in that behalf made; and in case no claim of such capture, ship, vessel, or goods, shall be duly entered or made in the usual form, and attested upon oath, giving twenty days notice after the execution of such motion; or if there be such claim, and the claimant or claimants shall not within five days give sufficient security (to be approved by such court of admiralty) to pay double costs to the captor or captors of such ship, vessel, or goods, in case the same so claimed shall be adjudged lawful prize, that then the judge or judges of such court of admiralty shall, upon producing to him or them the said examinations or copies thereof, and upon producing to him or them upon oath all papers and writings which shall have been found taken in or with such capture, or upon oath made that no such papers were found, immediately and without further delay, proceed to sentence, either to discharge and acquit such capture, or to adjudge and condemn the same as lawful prize, according as the case shall appear to him or them, upon perusal of such preparatory examinations, and also of the writings found taken in or with such capture, if any such writing shall be found; and in case such claim shall be duly entered or made, and security given thereupon, according to the tenor and true meaning of this act, and there shall appear no occasion to examine any witnesses, other than what shall be then near to such court of admiralty, that then such judge or judges shall forthwith cause such witnesses to be examined, and within the space of ten days after such claim made and security given, proceed to such sentence as aforesaid, touching such capture; but in case upon making or entering such claim and the allegation and oath thereupon, or the producing such writings as shall have been found taken in or with such capture, or upon the said preparatory examinations, it shall appear doubtful to the judge or judges of such court of admiralty, whether such capture be lawful prize or not; and it shall appear necessary according to the circumstances of the case, for the clearing and determining such doubt, to have an examination of witnesses that are remote from such court of admiralty, and such examination shall be desired, and that it be still insisted on behalf of the captors that the said capture is lawful prize, and that the contrary be still persisted in on the claimants behalf, that then the said judge or judges shall forthwith cause such capture to be appraised by persons named on the part of the captor, and sworn truly to appraise the same according to the best of their skill and knowledge; for which purpose the said judge or judges shall cause the goods found on board to be unladen, and put into proper warehouses, with separate locks of the collector and comptroller of the customs, and where there is no comptroller, of the naval officer, and the agents or persons employed by the captors and claimants at the charge of the party or parties desiring the same, and shall after such appraisement made, and within the space of fourteen days after the making of such claim, proceed to take good and

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sufficient security from the claimants to pay the captors the full value thereof, according to such appraisement, in case the same shall be adjudged lawful prize; and after such security duly given, the said judge or judges shall make an interlocutory order, for releasing or delivering the same to such claimant or claimants, or his or their agents, and the same shall be actually released or delivered accordingly.

IV. And it is further enacted by the authority aforesaid, That if any claimant or claimants shall refuse to give such security, the judge or judges shall cause the captor or captors in like manner to give good and sufficient security, to be approved of by the claimant or claimants, to pay the said claimant or claimants the full value thereof according to the appraisement, in case any such capture or captures shall be adjudged not to be lawful prize; and the said judge or judges shall thereupon proceed to make an interlocutory order, for the releasing and delivering of the same to the said captor or captors, or their agents.

V. And it is further enacted by the authority aforesaid, That all such captures as aforesaid, which shall be brought into any of his Majesty's colonies or plantations in *America*, shall without breaking bulk stay there, and be under the joint care and custody of the collector and comptroller of the customs, or where there is no comptroller, of the naval officer of the port or place where the same shall be brought; and all the captors thereof, and their agents, until either the same shall by final sentence have been either cleared and discharged, or adjudged and condemned as lawful prize; or that such interlocutory orders, as aforesaid, shall have been made for the releasing or delivering of the same; and upon the condemnation or adjudication thereof as lawful prize, shall in case the same were taken by any such private ship or ships commissioned as aforesaid, be immediately delivered unto the captors thereof, and their agents, to be by them disposed of as their goods and chattels; and in case the same were taken by any of his Majesty's ships of war, unto such person or persons, and to be so divided and disposed of, as his Majesty, his heirs and successors, shall by proclamation for that purpose order and direct.

VI. And be it further enacted by the authority aforesaid, That if any judge or judges, or other officer or officers, in any of his Majesty's plantations or dominions abroad, to whom respectively it shall appertain, shall delay the doing, performing, making, or pronouncing any of the several proceedings, matters, or things for, towards, or relating to condemning or discharging, releasing or delivering of any such capture, in manner aforesaid, within the respective times herein before limited, or as soon as the same or any of them ought to be done, according to the tenor and true meaning of this act, all and every such judge and judges, and other officer and officers, shall for every such offence forfeit the sum of five hundred pounds; one moiety thereof to his Majesty, his heirs and successors, the other moiety thereof, with full costs of suit, to such person or persons who shall

Penalty on
judges neglect
of duty.

shall inform or sue for the same, in any of the courts in or for any of his Majesty's said colonies or plantations, or in any of his Majesty's courts of record within his kingdom of *Great Britain*,

What shall be paid in the courts of admiralty abroad, for trying and condemning prizes.

VII. And it is hereby further enacted by the authority aforesaid, That there shall not be paid unto or among all the judges and officers of such court of admiralty in any of his Majesty's plantations or dominions abroad, for, towards, or relating to the adjudging or condemning of such capture as aforesaid, as lawful prize, above the sum of ten pounds, in case such prize, ship, or vessel be under the burthen of one hundred tons; nor above the sum of fifteen pounds, in case the same be of that or any greater burthen; and that upon payment of either of the said respective sums, as the case shall require, to the said judge or judges, or any of them, to be by him or them disposed or divided, as he or they shall think fit, among the officers of such court, such judges and officers, and every of them, shall be liable to all and every the several penalties hereby imposed, for neglecting or delaying to do and perform their several and respective duties or offices in and relating to the several proceedings aforesaid, within the respective times herein for that purpose limited.

Appeal to commissioners.

VIII. Provided nevertheless, and it is hereby further enacted by the authority aforesaid, That if any captor or captors, claimant or claimants, shall not rest satisfied with the sentence given in such court of admiralty in any of his Majesty's plantations or dominions abroad, it shall and may be lawful for the party or parties thereby aggrieved, to appeal from the said court of admiralty to the commissioners appointed or to be appointed under the great seal of *Great Britain*, for receiving, hearing, and determining appeals in causes of prizes; such appeal to be allowed in the like manner as appeals to such commissioners are now allowed from the court of admiralty within this kingdom; so as the same be made within fourteen days after sentence, and a good security be likewise given by the appellant or appellants, that he or they will effectually prosecute such appeal, and answer the condemnation, as also pay treble costs, as shall be awarded, in case the sentence of such court of admiralty be affirmed; any thing in this act before to the contrary hereof in any wise notwithstanding. Provided always, That the execution of any sentence so appealed from as aforesaid shall not be suspended by reason of such appeal, in case the party or parties appellate shall give sufficient security, to be approved of by the court in which such sentence shall be given, to restore the ship, vessel, goods, or effects, concerning which such sentence shall be pronounced, or the full value thereof, to the appellant or appellants, in case the sentence so appealed from shall be reversed.

To forfeit treble value for all goods embezzled on board any prizes.

IX. And be it further enacted by the authority aforesaid, That if any commander or commanders, officer or officers, seamen, marines, soldiers, or others, shall break bulk on board, or embezzle any of the money, jewels, plate, goods, merchandize, tackle, furniture, or apparel of or belonging to such prize or prizes so taken, such commander, officer, seaman, marine,

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soldier, or others, shall forfeit treble the value of all such money, jewels, plate, goods, merchandize, tackle, furniture, or apparel, as he or they shall embezel; one third part thereof to be to the use of *Greenwich Hospital*, and the other two third parts thereof to him or them that will sue for the same, by action of debt, plaint, or information, in any court of record in *Great Britain*, in which no effoin, protection, or wager of law, or more than one imparlance shall be allowed.

X. And be it further enacted by the authority aforesaid, That all appraisements and sales of any ship or ships, goods, wares, or merchandizes, as shall be taken by any of his Majesty's ships of war, shall be made by agents, or persons nominated and appointed in equal numbers by the commander, officer, or ship's company, and others intituled thereunto (that is to say) That if the commander or commanders of such ship or ships, as shall take any such prize or prizes, shall nominate and appoint one or more person or persons, agent or agents, to sell or appraise the same as aforesaid, then the officers intituled thereunto, or the majority of them, shall nominate and appoint the like number of persons or agents to act for them, and the ship's company and others, or the major part of them, shall also nominate and appoint the same number of persons or agents to act on their behalf in such appraisement or sale; provided that nothing herein contained shall extend or be construed to alter or make void any agreement or agreements made or to be made in writing between the owners, officers, and seamen of any private ships or vessels of war.

Agents for sale of prizes, how to be appointed.

XI. And be it further enacted by the authority aforesaid, That after the sale or sales of such prize or prizes, as shall be taken from the enemy by any of his Majesty's ships of war, publick notification shall be given by the persons or agents appointed as aforesaid, of the day appointed for the payment of the several shares to the captors aforesaid; after which publick notification if any mens shares shall remain in the hands of the persons or agents appointed as aforesaid, and shall not be legally demanded within three years, then such share or shares so remaining in the persons or agents hands shall go and be paid to the use of *Greenwich Hospital*.

Publick notice to be given by the agents, of the day appointed to pay the captors shares. Shares not demanded in 3 years, to go to Greenwich Hospital.

XII. Provided always, and be it declared and enacted by the authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to exempt any ships, goods, wares, or merchandizes, which shall be taken as prize, and brought or imported into this kingdom, or any of his Majesty's plantations in *America*, from the payment of any customs or duties, or from being subject to such restrictions and regulations, to which the same now are or shall hereafter be liable by virtue of the laws and statutes of this realm.

XIII. And for the encouraging his Majesty's subjects to engage in joint and united as well as separate expences, expeditions, and adventures, be it further enacted by the authority aforesaid, That his Majesty be, and he, and his heirs and successors, are hereby

Charters, &c. to be granted to adventurers.

hereby impowered, from time to time during the continuance of the present or any future war, to grant or make any charter, commission, or grant, charters, commissions, or grants, for the better or more effectual enabling any society or societies, or particular persons, to join in any expeditions or adventures by sea or land, and to sail to and in any of the seas in *America*, for the attacking, surprizing, taking, or destroying any ships, goods, moveables and immoveables; settlements, factories, creeks, harbours, places of strength, lands, forts, castles, and fortifications, now belonging, or hereafter to belong to, or to be possessed by any enemy of his Majesty, his heirs or successors, in any part or parts of *America*; and for the better making and carrying on any preparations for such purpose and purposes, and for the making and assuring to the societies and persons which may be concerned, their heirs, successors, executors, administrators and assigns, full and undoubted properties, rights, and titles, of, in, and to, and the full enjoyment of all and every the ships, ammunition, stores of war, goods, chattels, moveables and immoveables, settlements, factories, places of strength or security, lands, forts, castles or fortifications, now belonging to, or possessed by, or hereafter to belong to, or to be possessed by any enemy of his Majesty, his heirs or successors, in any of the parts of *America*, which such society or persons shall take; or cause to be taken from any such enemy, together with all the proceed; profits and advantages, which may accrue of or by the same, or any of them, with and under such regulations, and in such manner and form as his Majesty, his heirs and successors shall think fit; and at any time and times afterwards, by any further grants or charters, to confirm, corroborate, and further assure the premisses, and every or any of them, to the said societies or persons concerned, their and every of their heirs, successors, executors, administrators or assigns, so as to enable them, and every of them, to have, hold and enjoy the full benefit thereof according to the true intent and meaning of this act; any law, statute, provision, or declaration to the contrary in any wise notwithstanding.

Proviso.

XIV. Provided always, That nothing shall be contained in any charter, commission, or grant, made in pursuance of this act, to exclude or restrain any of his Majesty's subjects from having a full and free trade to and in any part of *America*.

XV. And as a further encouragement to the officers, seamen, marines, soldiers; and others on board his Majesty's ships of war, as also of privateers, to attack, take and destroy any ships of force belonging to the enemy; be it enacted by the authority aforesaid,

Bounty money to be paid for taking or destroying the enemies ships.

That there shall be paid by the treasurer of his Majesty's navy, upon bills to be made forth by the commissioners of the navy, to be paid according to the course thereof without fee or reward, unto the officers, seamen, marines, soldiers or others, that shall have been actually on board such of his Majesty's ship or ships of war, or privateer or privateers, in any action where any ship or ships of war, or privateers, shall have been taken from the enemy, sunk, burnt, or otherwise destroyed, five pounds for every man which

which was living on board any ship or ships so taken, sunk, burnt, or otherwise destroyed, at the beginning of the engagement between them; the numbers of such men to be proved by the oaths of three or more of the chief officers, or men, which were belonging to the said ship or ships of war, or privateers of the enemy, at the time of her or their being taken as prize, sunk, burnt or otherwise destroyed, before the mayor, or other chief magistrate of the port, whereunto any prize, or officers, or men of such ships, as were sunk, burnt or otherwise destroyed, shall be brought; which oaths the said mayor, or other chief magistrate of any such port, is hereby impowered and required to administer, and shall forthwith grant a certificate thereof, without fee or reward, directed to the commissioners of the navy; upon producing which certificate to the commissioners of his Majesty's navy, together with an authentick copy of the condemnation of such ship so taken, or if such ship be sunk, burnt or otherwise destroyed, on producing only a certificate from the mayor, or other chief magistrate as aforesaid, the said commissioners of his Majesty's navy, or such person or persons as they shall appoint for that purpose, shall, according to the course of the navy, within fifteen days make out bills for the amount of such bounty, directed to the treasurer of the navy, payable to, and to be divided amongst the officers, seamen, marines and soldiers on board his Majesty's ships of war, in manner, form and proportion, as by his Majesty's proclamation to be issued for that purpose shall be directed and appointed; and amongst the owners, officers and seamen of any private vessel, or ship of war, in such manner and proportion, as by any agreement in writing they shall have entered into for that purpose, shall be directed.

XVI. And be it further enacted by the authority aforesaid, Captors to ap-
That the bill or bills to be made out for the bounty hereby ^{point agents} granted to the commanders, officers, seamen, marines, soldiers, ^{to receive the} and others of his Majesty's ships of war, for taking, sinking, ^{bounty-mo-} burning or otherwise destroying any ships of war, or privateers, ^{ney.} belonging to any of his Majesty's enemies, shall be made payable to such person or persons as shall be authorized and appointed by the commander, and by the majority of the officers, and the major part of such ship's company, and others, as shall have taken, sunk, burnt or otherwise destroyed the same, to be distributed and divided by the said person or persons so authorized and appointed, amongst the captors, in such manner, form and proportion as aforesaid; the several shares of which captors, if not legally demanded within three years after publick notification, shall be applied to the use of *Greenwich Hospital*; and that the bill or bills to be made out for the bounty hereby granted to privateers, for taking, sinking, burning or otherwise destroying any ships of war or privateers belonging to any of his Majesty's enemies, shall be made payable to such person or persons as shall be nominated and appointed by the owner or owners, officers and seamen of such privateer or privateers

vateers, who shall have taken, sunk, burnt or otherwise destroyed the same, or the major part of them, to be divided in such manner and proportion as shall have been agreed by them as aforesaid.

Prizes of galleons, &c. not to be adjudged in the American courts of admiralty.

XVII. Provided nevertheless, and be it further enacted by the authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to oblige or authorize any judge of any of his Majesty's courts of admiralty in the plantations or colonies in *America*, or elsewhere out of *Great Britain*, to adjudge or determine concerning the validity of the capture of any ship or ships, whether men of war or merchant ships, commonly called *Flota Ships* or *Galleons*, or any ship having a register, bound from *Buenos Ayres* or *Honduras*, or any goods on board any such ship; but that all such ships called *Flota Ships*, or *Galleons*, and every ship having a register, bound from *Buenos Ayres*, or *Honduras*, which shall be taken by any ship or ships, shall with their cargoes be tried and adjudged in his Majesty's high court of admiralty; any thing in this act to the contrary in any wise notwithstanding.

Goods of British subjects retaken from the enemy, how to be disposed of.

XVIII. Provided always, and be it enacted, That if any ship, vessel or boat taken as prize, or any goods therein, shall appear and be proved in the court of admiralty to be belonging to any of his Majesty's subjects of *Great Britain* or *Ireland*, or any of the dominions and territories remaining and continuing under his Majesty's protection and obedience, which were before taken or surprized by any of his Majesty's enemies, and afterwards again surprized and retaken by any of his Majesty's ships of war, or any private man of war, or other ship, vessel, or boat, under his Majesty's protection or obedience; that then such ships, vessels, boats, and goods, and every such part and parts thereof as aforesaid, belonging to such his Majesty's subjects, shall be adjudged to be restored, and shall be by decree of the said court of admiralty accordingly restored to such former owner or owners or proprietors, he or they paying for and in lieu of salvage, if taken by one of his Majesty's ships of war, an eighth part of the true value of the ships, vessels, boats, and goods, respectively so to be restored; which salvage shall be answered and paid to the captains, officers and seamen in the said man of war, to be divided in such manner as before in this act is directed touching the share of prizes belonging to the flag officers, captains, officers, seamen, marines and soldiers, where prizes are taken by any of his Majesty's ships of war: and if taken by a privateer or other ship, vessel or boat, after having been in the possession of the enemy twenty four hours, an eighth part of the true value of the said ships, vessels, boats and goods; and if above twenty four hours, and under forty eight hours, a fifth part thereof; and if above forty-eight hours, and under ninety-six hours, a third part thereof; and if above ninety-six hours, a moiety thereof: all which payments to be made to any privateer or other ship, vessel, or boat, shall be without any deductions: and if such ship so retaken shall appear to have been, after

ter the taking by the enemy, by them set forth as a man of war, the former owners and proprietors to whom the same shall be restored, shall be adjudged to pay, and shall pay for salvage, the full moiety of the true value of the said ship so taken and restored, without deduction as aforesaid; any law, custom, or usage to the contrary notwithstanding.

XIX. And be it further enacted, That in case any ship or vessel, or any goods or merchandizes, shall be taken by any privateer through consent or clandestinely, or by collusion or connivance, such ship and vessel, and such goods and merchandizes, and also the ship's tackle, apparel, furniture and ammunition of such privateer, shall, upon proof thereof to be made in his Majesty's court of *Exchequer*, or in the court of admiralty, be declared and judged to be good prize to his Majesty, one moiety thereof shall be to the use of his Majesty, his heirs and successors, and the other moiety to the use of such person who shall discover and sue for the same; and the bond given by the captain of such privateer, shall be and is hereby adjudged to be forfeited to his Majesty: and in case any such ship or vessel, or any goods or merchandizes as aforesaid shall be taken by any man of war through consent, clandestinely, or by collusion or connivance of the commander or captain, such commander or captain shall forfeit the sum of one thousand pounds; one moiety thereof to the use of his Majesty, his heirs and successors, and the other moiety to the use of such person who shall discover and sue for the same; to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record, wherein no essoin, protection, privilege, or wager of law, or any more than one imparlance shall be allowed; and such captain or officer shall forfeit his command and employment, and shall be and is hereby disabled and made incapable of any office or employment under his Majesty during the space of seven years; and the said goods and merchandizes, and the ship, tackle, apparel, furniture, guns and ammunition, so taken by collusion, shall be and is hereby adjudged to be good prize to his Majesty.

XX. And whereas good and necessary laws have been made, and are still in force, within several of his Majesty's colonies or plantations in America, for the preventing the carrying off from the said colonies or plantations any servant or slave without the consent of the owner, or the carrying off from thence any other person or persons whatsoever, until such person shall have taken out his ticket from the secretary's office within such respective colony or plantation, in such manner, and under such penalties and forfeitures, as in and by the said several laws is declared and provided; be it therefore further enacted by the authority aforesaid, That all commanders of private ships of war, or merchant ships having letters of marque, shall upon their going into any of those ports or harbours, be subject and they are hereby determined to be subject to the several directions, provisions, penalties and forfeitures in and by

Penalties on ships taken by collusion.

No privateer &c. in America, to take on board any servant, without consent of the master.

But in all cases to observe the laws of that country.

Anno decimo tertio GEORGE II. C. 5, — 7. [1740.]
 such laws made and provided; any thing in this act contained to
 the contrary thereof in any wise notwithstanding.

CAP. V.

An act for making more effectual three several acts of parliament, one of the sixth year of the reign of her late majesty Queen Anne, and another of the eleventh year of the reign of his late majesty King George, *For repairing the highways from Old Stratford in the county of Northampton, to Dunchurch in the county of Warwick*; and the third made in the tenth year of his present Majesty's reign, for making more effectual the said two former acts.

The tolls are further continued for 21 years,

CAP. VI.

An act to indemnify persons who have omitted to qualify themselves for offices and employments within the time limited by law, and for allowing further time for that purpose. Persons taking the oaths 1 Geo. 2. c. 13. by 8 Nov. 1740. and receiving the sacrament, indemnified, and recapitulated, and their acts valid. But persons not hereby restored to places already avoided or filled up.

CAP. VII.

An act for naturalizing such foreign protestants, and others therein mentioned, as are settled, or shall settle, in any of his Majesty's colonies in America.

Preamble.

WHEREAS the increase of people is a means of advancing the wealth and strength of any nation or country: and whereas many foreigners and strangers from the lenity of our government, the purity of our religion, the benefit of our laws, the advantages of our trade, and the security of our property, might be induced to come and settle in some of his Majesty's colonies in America, if they were made partakers of the advantages and privileges which the natural born subjects of this realm do enjoy; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of June, in the year of our Lord one thousand seven hundred and forty, all persons born out of the ligeance of his Majesty, his heirs or successors, who have inhabited and resided, or shall inhabit or reside, for the space of seven years or more, in any of his Majesty's colonies in America, and shall not have been absent out of some of the said colonies for a longer space than two months at any one time during the said seven years, and shall take and subscribe the oaths, and make, repeat, and subscribe the declaration appointed by an act made in the first year of the reign of his late majesty King George the First, intituled, *An act for the further security of his Majesty's person and government, and the succession of the crown in the heirs of the late Princess Sophia, being protestants; and for extinguishing the hopes of the pretended prince of Wales, his open and secret abettors*; or being of the people called Quakers, shall make and subscribe the declaration of fidelity, and take and affirm the effect of the abjuration oath, appointed and prescribed by an act

Foreigners living 7 years in any of our colonies, to be deemed natives, on taking the oaths, &c.

Quakers to subscribe the declaration of fidelity, &c.

act made in the eighth year of the reign of his said late Majesty, intituled, *An act for granting the people called Quakers, such forms of affirmation or declaration, as may remove the difficulties which every of them lie under*; and also make and subscribe the profession of his christian belief, appointed and prescribed by an act made in the first year of the reign of their late majesties King William and Queen Mary, intituled, *An act for exempting their Majesties protestant subjects from the penalties of certain laws*; before the chief judge, or other judge of the colony wherein such persons respectively have so inhabited and resided, or shall so inhabit and reside, shall be deemed, adjudged, and taken to be his Majesty's natural born subjects of this kingdom, to all intents, constructions, and purposes, as if they, and every of them, had been or were born within this kingdom; which said oath or affirmation and subscription of the said declarations respectively the chief judge or other judge of every of the said respective colonies is hereby enabled and empowered to administer and take; and the taking and subscribing of every such oaths or affirmation, and the making, repeating, and subscribing of every such declaration, shall be before such chief judge or other judge, in open court, between the hours of nine and twelve in the forenoon; and shall be entered in the same court, and also in the secretary's office of the colony wherein such person shall so inhabit and reside: and every chief judge or other judges of every respective colony, before whom such oaths or affirmation shall be taken and every such declaration shall be made, repeated, and subscribed as aforesaid, is hereby required to make a due and proper entry thereof in a book to be kept for that purpose in the said court; for the doing whereof two shillings and no more shall be paid at each respective place, under the penalty and forfeiture of ten pounds of lawful money of Great Britain for every neglect or omission: and in like manner every secretary of the colony wherein any person shall so take the said oaths or affirmation, and make, repeat, and subscribe the said declarations respectively, as aforesaid, is hereby required to make a due and proper entry thereof in a book to be kept for that purpose in his office, upon notification thereof to him by the chief judge or other judge of the same colony, under the like penalty and forfeiture for every such neglect or omission.

II. Provided always, and be it enacted by the authority aforesaid, That no person, of what quality, condition, or place soever, other than and except such of the people called *Quakers* as shall qualify themselves and be naturalized by the ways and means herein before-mentioned, or such who profess the *Jewish* religion, shall be naturalized by virtue of this act, unless such person shall have received the sacrament of the Lord's supper in some protestant and reformed congregation within this kingdom of Great Britain, or within some of the said colonies in America within three months next before his taking and subscribing the said oaths, and making, repeating, and subscribing the said declaration, and shall at the time of his taking and subscribing the said oaths and making, repeating, and subscribing the said declaration

Entries to be made in books to be kept for publick inspection.

2s. to be paid, and no more, for each entry on rol. penalty.

The same penalty on secretary's neglecting to register

Each qualified person to receive the sacrament, except Quakers and Jews
20 Geo. 2.

c. 44.

claration, produce a certificate signed by the person administering the said sacrament, and attested by two credible witnesses, whereof an entry shall be made in the secretary's office of the colony wherein such person shall so inhabit and reside, as also in the court where the said oaths shall be so taken as aforesaid, without any fee or reward.

III. *And whereas the following words are contained in the latter part of the oath of abjuration, Videlicet, (upon the true faith of a christian) And whereas the people professing the Jewish religion may thereby be prevented from receiving the benefit of this act; be it further enacted by the authority aforesaid, That whenever any person professing the Jewish religion shall present himself to take the said oath or abjuration in pursuance of this act, the said words (upon the true faith of a christian) shall be omitted out of the said oath in administering the same to such person, and the taking and subscribing the said oath by such person professing the Jewish religion, without the words aforesaid, and the other oaths appointed by the said act in like manner as Jews were permitted to take the oath of abjuration, by an act made in the tenth year of the reign of his late majesty King George the First, intituled, An act for explaining and amending an act of the last session of parliament, intituled, An act to oblige all persons, being papists, in that part of Great Britain called Scotland, and all persons in Great Britain, refusing, or neglecting to take the oaths appointed for the security of his Majesty's person and government, by several acts herein mentioned, to register their names and real estates; and for enlarging the time for taking the said oaths, and making such registers, and for allowing further time for the enrolment of deeds or wills made by papists, which have been omitted to be enrolled pursuant to an act of the third year of his Majesty's reign; and also for giving relief to protestant lessees, shall be deemed a sufficient taking of the said oaths, in order to intitle such person to the benefit of being naturalized by virtue of this act.*

Jews taking the oaths may omit some christian expressions.

Certificates given by the colony, of residence, taking the oaths, &c. to be allowed proper evidence in all the courts of Great Britain and Ireland.

IV. And be it further enacted by the authority aforesaid, That a testimonial or certificate under the seal of any of the said colonies, of any persons having resided and inhabited for the space of seven years or more as aforesaid within the said colonies or some of them, to be specified in such certificate, together with the particular time of residence in each of such respective colonies (whereof the colony under the seal of which such certificate shall be given to be one) and of his having taken and subscribed the said oaths, and of his having made, repeated, and subscribed the said declaration, and in case of a *Quaker*, of his having made and subscribed the declaration of fidelity, and of his having taken and affirmed the effect of the abjuration oath as aforesaid, and in the case of a person professing the *Jewish* religion, of his having taken the oath of abjuration as aforesaid, within the same colony, under the seal whereof such certificate shall be given as aforesaid, shall be deemed and taken to be a sufficient testimony and proof thereof, and of his being a natural born subject of *Great Britain*, to all intents and purposes whatsoever, and as such shall be allowed in every court within the

the kingdoms of *Great Britain* and *Ireland*, and also in the said colonies in *America*.

And be it further enacted by the authority aforesaid, That every secretary of the said respective colonies for the time being, shall and is hereby directed and required at the end of every year to be computed from the said first day of *June*, in the year of our Lord one thousand seven hundred and forty, to transmit and send over to the office of the commissioners for trade and plantations kept in the city of *London* or *Westminster*, a true and perfect list of the names of all and every person and persons who have in that year intitled themselves to the benefit of this act, under the penalty and forfeiture of fifty pounds of lawful money of *Great Britain* for every neglect or omission: all which said lists so transmitted and sent over, shall from year to year be duly and regularly entered by the said commissioners, in a book or books to be had and kept for that purpose in the said office for publick view and inspection as occasion shall require.

Secretary of the colony to send over to the commissioners of trade lists yearly, to be registred in England;

on penalty of 50*l*.

VI. Provided always, and it is hereby further enacted, That no person who shall become a natural born subject of this kingdom by virtue of this act, shall be of the privy council, or a member of either house of parliament, or capable of taking, having, or enjoying any office or place of trust within the kingdoms of *Great Britain* or *Ireland*, either civil or military, or of having, accepting, or taking any grant from the crown to himself, or to any other in trust for him, of any lands, tenements; or hereditaments within the kingdoms of *Great Britain* or *Ireland*; any thing herein before contained to the contrary thereof in any wise notwithstanding.

Proviso.
Extended to the United Fratrums by 20 Geo. 2. c. 44.

C A P. VIII.

An act to explain and amend an act made in the first year of the reign of her late majesty Queen Anne, intituled, An act for the more effectual preventing the abuses and frauds of persons employed in the working up the woollen, linen, fustian, cotton, and iron manufactures of this kingdom; and for extending the said act to the manufactures of leather.

WHEREAS by an act made in the first year of the reign of her late majesty Queen Anne, intituled, An act for the more effectual preventing the abuses and frauds of persons employed in the working up the woollen, linen, fustian, cotton, and iron manufactures of this kingdom; it is, amongst other things, enacted, That if any person or persons employed in working up of woollen, linen, fustian, cotton, or iron manufactures, should embezil, or purloin any wools, thrums, or ends of yarn, or any other materials of wooll, hemp, flax, cotton, or iron, with which he, she, or they was, were, or should be intrusted to work upon, or should reel short or false yarn, and should be thereof convicted in such manner as in and by the said act is prescribed, should forfeit double the value of the

Preamble reciting the act 1 Ann. st. 2. c. 18.

the damages done, for the use of the poor of the said parish; and in case the offender or offenders to be convicted as in the said act is mentioned, should neglect or refuse to pay their forfeiture or forfeitures, that then it should and might be lawful to and for one justice of the peace of the county where such offence shall be committed, to cause the said offender to be committed to the house of correction, until satisfaction should be made; and in case it should appear to the said justice, that the said offender was not able to make satisfaction, then the said offender is to be there publicly whipped, and kept to hard labour for any time not exceeding fourteen days: and by the said act it is further enacted, That every person buying or receiving any wesis, threads, or ends of yarn, or any other materials of wooll, hemp, flax, cotton, or iron, and being thereof lawfully convicted in manner as in the said act is mentioned, shall suffer the like penalties and forfeitures as one convicted pursuant to the said act for purloining and embezzling of the said materials; which said act was made temporary only; but being by experience found to be beneficial, was, by another act passed in the ninth year of the reign of her said late Majesty, made perpetual: and whereas doubts have arisen, whether the before mentioned clauses in the said act of the first year of the reign of her said late Majesty, extend to the embezzling woollen, linen, fustian, cotton, and iron manufactures, actually wrought or made up into merchantable wares, and whether the said forfeiture of double the value of the damages done, when recovered, should be applied for the use of the poor of the parish where the persons injured shall respectively live, or for the use of the poor of the parish in which the offence has been or shall be committed; and whereas the forfeitures and penalties to which offenders are subjected by the recited act, have proved ineffectual to answer the purposes thereby intended; now to explain and amend the said act, so far as the same relates to the matters aforesaid, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if any person or persons who shall be hired or employed in the working up of any woollen, linen, fustian, cotton, or iron manufactures, shall, after the first day of May, one thousand seven hundred and forty, purloin, imbezel, secrete, sell, pawn, exchange or otherwise illegally dispose of any the materials with which he, she, or they shall be respectively intrusted to work up such woollen, linen, fustian, cotton, or iron manufactures, whether the same or any part thereof be or be not first wrought, made up, or manufactured, or shall reel short or false yarn, the person or persons so offending, and being thereof convicted in manner and form as is prescribed by the said recited act for the conviction of persons who shall embezel, or purloin any of the materials therein mentioned, he, she, or they shall severally forfeit double the value of the damages, which the owner or owners of such materials, whether the same or any part thereof be or be not manufactured, shall respectively sustain thereby, together with such costs of prosecution for every such offence as shall be adjudged reasonable by the justice of the peace,

Manufacturers of woollen, &c. embezzling materials, to forfeit double value;

peace, before whom such offender or offenders respectively shall be convicted; and in case immediate payment of the respective forfeitures, together with such costs of prosecution as aforesaid, shall be neglected or refused to be made, that then it shall and may be lawful to and for the same justice of the peace, before whom such conviction shall be made, to cause the said offender or offenders to be committed to the house of correction, to be there whipped, and kept to hard labour for any time not exceeding fourteen days; and in case of a further conviction for or on a second or other subsequent offence of any person, for embezzling or purloining any of the materials in the said act mentioned, either before the same or any part thereof shall be wrought, made up, or converted into merchantable wares, the person or persons so offending, shall for every second or other subsequent offence, being thereof convicted in manner as is mentioned in the said recited act, forfeit four times the value of the damages, which the owner or owners of such materials, whether the same be or be not wrought, made up, or manufactured respectively, shall sustain thereby, together with such costs of prosecution as shall be adjudged reasonable by the justice before whom such offender or offenders shall be thereof respectively convicted; and in case immediate payment of the respective forfeitures, together with such costs of prosecution as aforesaid, shall be neglected or refused to be made, that then such justice, or any other justice of the peace for the county, riding, division, city, town, or place, where such offences shall be committed, shall cause the said offenders respectively to be committed to the house of correction, to be there kept to hard labour for any time not exceeding three months, nor less than one month, as to such justice shall seem reasonable; and also during the time of such offender or offenders respective commitment or commitments, shall cause the said offender or offenders to be publicly whipped in the market town where such offender or offenders shall be respectively committed, at the market-place or cross of such town once or oftner as to such justice shall seem reasonable.

or be sent to the house of correction, and whipped.

For a second or other future offence, to forfeit four times the value,

or sent to the house of correction,

and publicly whipp'd.

II. And be it further enacted by the authority aforesaid, That every person or persons who from and after the first day of May, one thousand seven hundred and forty, shall buy or receive, accept or take, by way of gift, pawn, pledge, or sale, of from any or either of the persons herein or in the said recited act mentioned, any woollen, linen, fustian, cotton, or iron manufactures, either before or after the same shall be wrought, made up, manufactured, or converted into merchantable wares, knowing the same to be so purloined or embezzled, and being thereof lawfully convicted in manner before-mentioned, he, she, and they shall severally suffer, and are hereby subjected to the like forfeitures and penalties respectively, as are by this or the said recited act, inflicted on persons purloining or embezzling such of the materials, or manufactures enumerated or men-

Receivers subject to the same penalties.

tioned in the said before recited act, or herein before in this present act.

Forfeitures,
half to the in-
jured person,
and half to
the poor of the
parish.

III. And it is hereby further enacted and declared, That the forfeitures mentioned and incurred by the said recited act, and also the forfeitures created or given by this present act, shall from and after the said first day of *May*, one thousand seven hundred and forty, when recovered, be applied in manner following (that is to say) one moiety thereof to the use of the party or parties injured, and the other moiety thereof to the use of the poor of the parish only where the offence shall be committed, with the like liberty and benefit of appealing to all parties, as is given in and by the said recited act of the first year of her said late Majesty.

Workers in
leather to pay
double the
damage of
embezzlement ;

IV. *And whereas many frauds and abuses have of late been likewise committed by persons employed in cutting out and manufacturing of skins, leather, and other materials into gloves, breeches, boots, shoes, slippers, and other wares and manufactures, by purloining, embezzling, secreting, selling, pawning, or exchanging such skins, leather, and other materials, or in some other manner, wherefore it is become necessary to make provision for discovering, preventing, and punishing such offences ;* and for the better regulating such persons as are or shall be employed in the premises last mentioned, be it further enacted by the authority aforesaid, That if from and after the said first day of *May*, one thousand seven hundred and forty, any person or persons hired or employed, or to be hired or employed, in cutting, paring, washing, dressing, sewing, making up, or otherwise manufacturing of gloves, breeches, leather, skins, boots, shoes, slippers, wares, or other goods or materials to be made use of in any of the trades or employments, or in manner last mentioned, or in any branch or particular thereof, shall fraudulently purloin, embezzel, secret, sell, pawn, or exchange all or any part of the gloves, breeches, leather, skins, parings, or threads of gloves, or leather, or other materials, with which he, she, or they shall be intrusted to work up or manufacture, or shall purloin, embezzel, secret, sell, pawn, or exchange any gloves, breeches, boots, shoes, slippers, or wares, when made, wrought up, or manufactured, or do or wilfully permit any other act, whereby to lessen the value of such or any part of such gloves, breeches, leather, skins, parings, or threads of gloves, or leather, boots, shoes, slippers, or other wares last particularized, either before or after the same shall be respectively so made into wares, and be thereof lawfully convicted upon the oath or affirmation of the master or owner of such goods or wares, or any other credible witness or witnesses, or by the confession of the person or persons charged with the fact, before one or more justice or justices of the peace for the county, riding, division, city, town, or place, where such offence shall be committed, or where the party or parties so charged shall reside or inhabit (which oath or affirmation such justice or justices is and are hereby impowered to administer and take) such justice or justices shall and may award the person or persons

fo

so offending; to make a reasonable and suitable recompence and satisfaction for every offence, to the parties respectively injured, for the damage by them sustained, so as the same do not exceed double the value of the gloves, breeches, leather, boots, shoes, slippers, wares, goods, or materials, by such offender or offenders so purloined or embezzled, secreted, sold, pawned, or exchanged; one half thereof to go to the party or parties grieved, and the other half thereof to go and be applied to the use of the poor of the parish or place where such offence shall be committed, together with the full charges attending such conviction, to be levied by warrant under the hand and seal, or hands and seals of such justice or justices by distress and sale of the offenders goods, rendering the overplus upon demand to the owner; but if such offender or offenders shall not have goods sufficient to answer for levying the forfeitures and the expences and charges attending the premises, and shall also neglect or refuse immediately to pay the same, that then the said offender and offenders shall by like warrant of such justice or justices last described be for every distinct offence committed to the house of correction or other publick prison of such county, riding, city, town, or place, and there kept to hard labour for the space of fourteen days, and shall be there likewise whipped in such manner as the said justice or justices shall order and direct; and in case also of a subsequent conviction for or on a second or any other such like offence, the person or persons so offending for every second or other subsequent offence, being thereof convicted in manner before-mentioned, shall forfeit four times the value of the damages which the owner or owners of such materials, either before or after the same shall be respectively made up into wares, shall sustain thereby, together with such costs of prosecution as shall be adjudged reasonable by the justice before whom such offender or offenders shall be thereof respectively convicted; and in case immediate payment of the respective forfeitures, together with such costs of prosecution as aforesaid, shall be neglected or refused to be made, that then it shall and may be lawful to and for such justice to commit the offender or offenders last described to the house of correction, or other publick prison, to be there kept to hard labour for any time not exceeding three months, nor less than one month, as to such justice shall seem reasonable; and also during the time of such offender or offenders respective commitment or commitments, shall cause the said offender or offenders to be publickly whipped in the market town where such offender or offenders shall be respectively committed at the market place or cross of such town, once or oftener as to such justice shall seem reasonable.

one half to the sufferer, the other to the poor of the parish;

to be levied on offenders goods;

or sent to the house of correction for a fortnight and, there whipp'd;

and for any subsequent offence to forfeit four times the value,

or sent to the house of correction not exceeding 3 months, or less than one,

and be publickly whipp'd.

V. And be it further enacted by the authority aforesaid, That every person and persons who shall knowingly or willingly, from and after the said first day of May, one thousand seven hundred and forty, buy or receive, accept or take, by way of pawn, pledge, or sale, or in any other manner, of or from any or either of the persons offending in either of the particulars

Receivers subject to the same penalties.

lars in this act mentioned, or of or from any other person or persons whatsoever (except of or from the person or persons in whom the property of such gloves, breeches, leather, boots, shoes, slippers, wares, goods, or other materials shall be at the time of such sale, pawn, or exchange) or offer so to do, such person or persons offending therein respectively, shall for every offence, being convicted thereof in manner aforesaid, make such suitable and reasonable recompence and satisfaction within two days next after the matter of fact shall from time to time be determined by any one or more justice or justices as aforesaid, upon hearing the same (he and they being hereby in this respect also impowered so to do) or else be subject to such distress, and for want of sufficient distress to be liable to the like punishment as is hereby directed to be inflicted on such person or persons as shall purloin, imbezil, secret, sell, pawn, or exchange any gloyes, breeches, leather, boots, shoes, slippers, wares, goods, or other materials or effects of that sort as aforesaid, and so in like manner for any second and every other subsequent offence.

Workmen to
be paid their
wages in mo-
ney;

but to pay
double da-
mages, if found
guilty of neg-
lect, &c.

Complaints to
be heard and
determined by
two justices.

VI. And to prevent oppression of the labourers and workmen employed in any respect in or about making or manufacturing of gloves, breeches, boots, shoes, slippers, wares, or goods of that sort before-mentioned; be it enacted by the authority aforesaid, That from and after the said first day of May, one thousand seven hundred and forty, all payments and satisfaction hereafter to be made to any such labourers, manufacturers, and workmen, employed as aforesaid, for any work by them done in and about such manufactures, shall be in and of the lawful coin of this realm only, and not by any victuals, goods, or commodities whatsoever, in lieu thereof (except at and by his and their request and consent only) and all goods and materials delivered out to be wrought up in the manufacture last mentioned, shall be delivered with a declaration at the same time, of the true weight, quantity, or tale thereof, on pain that every offender in either of the said cases shall forfeit and pay to such labourer, manufacturer, or worker, double the value of what shall be due for such work by him, her, or them done and performed; and if any such labourer, manufacturer, or worker, as is last described, shall be guilty of any fraud, abuse, neglect, or default in the work by him, her, or them undertaken to be done, then such labourer, manufacturer, or worker shall allow and answer to the owner of such work double the damages thereby sustained.

VII. And be it further enacted by the authority aforesaid, That all wages, demands, frauds, abuses, neglects, and defaults of labourers, manufacturers, and workmen in the trades last above-mentioned, for or concerning any work done in that manufacture, shall and may be heard and determined by any two justices of the peace of the county, riding, division, city, town, or place, where the matter in controversy shall happen or arise, who are hereby impowered to summon and examine

their witnesses on oath or affirmation, concerning the same, which oath or affirmation the said justices are to administer and take.

VIII. And for the better regulating the journeymen and other persons employed as manufacturers or workers in the trade or business last above-mentioned; be it further enacted by the authority aforesaid, That all and every person and persons who shall at any time after the first day of May, one thousand seven hundred and forty, be first retained or employed in the making up of any gloves, breeches, boots, shoes, slippers, or other wares as aforesaid, for any one master, and shall neglect the performance thereof, either by procuring or permitting himself to be subsequently retained or employed by any other master or person whatsoever, before he or they shall have completed the work or service in or to do which he or they was or were first and originally so retained or employed, and shall be first delivered to him or them; then and in every such case every person so offending, being thereof lawfully convicted by the oath or oaths, affirmation or affirmations, of one or more credible witness or witnesses, before one or more justice or justices of the peace, where the offence or offences shall be committed, the person or persons so convicted shall be sent to the house of correction, there to be kept to hard labour for any time not exceeding one month. Journemen to perform the business engaged in,

IX. Provided always, and be it further enacted by the authority aforesaid, That if any person or persons shall think him, her, or themselves aggrieved by any judgment or order of the said two justices, it shall and may be lawful for such person and persons to appeal from the judgment, order, and determination of the said two justices, to the justices of the peace at their next general quarter sessions of the peace, to be held for the same county, riding, division, city, town, or place, where the matter in dispute shall arise (giving eight days notice of such appeal, to the person or persons against whom such appeal shall be brought and prosecuted) and such justices of the peace at their next general quarter sessions, are hereby empowered to summon and examine witnesses on oath or affirmation (which oath or affirmation they are hereby empowered to administer and take) and to hear and finally determine the matter of the said appeal, and at such quarter-sessions shall award and order to the party on whose behalf such appeal is determined, such reasonable costs and charges to be paid by such appellant, or by the person or persons appealed against, in regard of such appeal, as to the said justices or the major part of them shall seem meet; but no order made by the said two justices of the peace as aforesaid shall be appealed from, quashed, or vacated for want of form only. Persons aggrieved may appeal to the sessions; giving eight days notice,

X. Provided always, and it is hereby enacted and declared, *Provida.* That no person shall by virtue of the said recited act, or this act, suffer the punishments therein directed twice for one and the same fact and offence,

XI. And

Act: Anne,
and this act,
to extend to
Scotland.

XI. And be it further enacted by the authority aforesaid, That the said recited act passed in the first year of the reign of her late Majesty Queen Anne (and made perpetual as aforesaid) and this present act, and all the clauses, provisions, pains, penalties, and forfeitures therein and herein contained, shall from and after the first day of May, one thousand seven hundred and forty, extend and be construed and adjudged to extend and be put in force, in that part of Great Britain called Scotland, in as full and ample manner as the before-mentioned acts are to be put in force and executed in that part of Great Britain called England; and the pains, penalties, and forfeitures, which shall be incurred by virtue of the before-mentioned acts, or either of them, shall be inflicted, levied, and taken in the same manner, and by such ways and means, as the pains, penalties, and forfeitures are in and by the before-mentioned acts or either of them, directed, ordered, and appointed; and if any offence against this act shall be committed within that part of Great Britain called Scotland, and determined by one or more justice or justices of the peace, as herein before directed, no warrant for poyndeing or distraining that shall be issued by any one or more justice or justices of the peace, shall be stopped, or sisted by any suspension, sist, or other process whatsoever, except an appeal entered to the quarter sessions of the peace, as herein before directed.

CAP. IX.

An act for repairing the road between Hockliffe, in the county of Bedford, and Stony Stratford, in the county of Buckingham.

CAP. X.

An act for punishing mutiny and desertion; and for the better payment of the army and their quarters. EXP.

CAP. XI.

An act for the more effectual improving the navigation of the river Dun, from a place called Wilsickhouse in the parish of Barmby Dun in the county of York, to Fishlock Ferry in the same county.

Preamble, re-
citing the act
12 Geo. 1. c. 38.

WHEREAS by an act of parliament made and passed in the twelfth year of the reign of his late majesty King George the First, intituled, An act for making the river Dun in the west riding of the county of York navigable, from Holmstile in Doncaster up to the utmost extent of Tinsley westward, a township within two miles of Sheffield, the master, wardens, searchers, assistants, and commonalty of the company of Cutlers in Hallamshire, in the county of York, their successors and assigns, are nominated and appointed undertakers of the said navigation, with power to make the said river navigable at their own expence from Holmstile aforesaid, up the said river above Holmstile to the utmost extent of Tinsley westward,

westward, and for making and erecting wharfs and warehouses, locks and dams, and for making towing-paths on the banks of the said river for the haling of vessels with men or horses, and for purchasing lands for the purposes aforesaid; and also such powers of taking tonnage and lock dues, and other sums of money, as a recompence for the expence they shall be at in making the said river navigable, as in the said act is mentioned: and whereas by another act made in the thirteenth year of the reign of his said late Majesty, intituled, *An act for improving the navigation of the river Dun, from a place called Holmstile in the township of Doncaster, in the county of York, to Willick House, in the parish of Barmby Dun, in the said county, the mayor, aldermen, and burgesses of the borough of Doncaster, in the said county of York, their successors and assigns, are nominated and appointed undertakers of the said last-mentioned navigation, and they are thereby empowered by themselves, their servants, agents, workmen, and assigns, at their own expence to make the same river passable with boats, barges, lighters, and other vessels, at all times in the year, from a place called Willick House to Holmstile aforesaid, and to scour and cleanse the said river, and to make ways and bridges, locks, cuss, dams, and exercise all such other powers and authorities, as in and by the said last-mentioned act are given and granted to them; and also to make towing-paths on the banks of the said river for haling of vessels with men or horses; and also to purchase lands for the purposes aforesaid; and also to take tonnage, lock dues, and other sums of money, as a recompence for the expences they shall be at in making the said river navigable; and to exercise such other powers and authorities as are mentioned in the said last-mentioned act: and whereas by one other act of parliament made in the sixth year of the reign of his present majesty King George the Second, intituled, *An act to explain and amend two acts of parliament, one made in the twelfth, and the other in the thirteenth year of his late Majesty's reign, for making navigable the river Dun in the county of York, and for the better perfecting and maintaining the said navigation, and for uniting the several proprietors thereof into one company; reciting (amongst other things) that for the better carrying on and compleating of the said navigation, it was found necessary that the undertakers of both the said navigations should be united into one company and copartnership, and that all the interest of the undertakers of both the said navigations should be divided into one hundred and fifty shares, to be distributed unto and among the said two corporations and others the contributors to the said undertakers, in proportion to the several sums of money by them respectively advanced towards carrying on both the said navigations: and it was by the said last mentioned act enacted, That the powers and authorities given and granted by the two in part recited acts, passed in the twelfth and thirteenth years of his late majesty King George the First, should be vested in the said united company, for the better carrying on, making, maintaining, and perfecting of the said navigation, as well above as below Holmstile, according to the rules and orders in the said act made in the sixth year of the reign of his present Majesty are**

13 Geo. 1. c. 10.

6 Geo. 2. c. 9.

ex-

expressed, and should for that purpose be one body politick and corporate by the name of The company of proprietors of the navigation of the river Dun; and by the same name should have perpetual succession, and should have a common seal, and by that name should and might sue and be sued, and also should have such powers and authorities, as the said two corporations, or either of them; were by the said recited acts of the twelfth and thirteenth years of the reign of his said late Majesty, or either of them, invested with, (except as in the said act of the sixth year of the reign of his present Majesty is excepted :) and whereas the said company of proprietors of the navigation of the river Dun, have (in pursuance of the said in part recited acts, and in putting in execution the powers and authorities thereby respectively granted and given) laid out and expended the sum of twenty four thousand pounds and upwards, whereby they have made and perfected a good navigation from the town of Rotherham, upon the said river, to Willick House, in the parish of Barmby Dun, in the said county: and whereas the said river Dun is already navigable and passable for boats, lighters, and other vessels, from Willick House aforesaid, to Fishlock Ferry in the said county of York, part of the year; but in time of neap tides and dry seasons boats cannot pass on that part of the said river, to the great hindrance and prejudice of trade: and whereas the improving of the navigation of the said river, and making the same navigable at all times and seasons, will be very beneficial to trade, and advantageous to the poor, and a great encouragement to the manufactures of iron, and convenient for the carriage of lead, coals, lime, stone, timber, and other heavy goods, wares, and merchandises to and from the towns, and parts adjacent or near to the said river, and also to and from Derbyshire, Cheshire, Lancashire, and other distant counties, and to and from London, and several other parts of this kingdom, and will very much tend to the employing, and the increase of watermen and seamen, and be a means to preserve the high ways, and promote the publick good of this kingdom: wherefore may it please your most excellent Majesty, that it may be enacted, &c.

The proprietors to make the river Dun navigable from Willick House to Fishlock Ferry in Com' York, by cleaning drains, &c. and cutting trees, &c. To satisfy all damages. Commissioners to determine differences betwixt undertakers and proprietors of mills, &c. If the undertakers are dissatisfied with commissioners determination, sheriff or coroners to impanel a jury of freeholders, on penalty of 50 l. whose verdict shall be final. Records of verdicts and proceedings of commissioners and juries, to be kept by the town clerk of Doncaster. On paying the damages assessed, undertakers may pull down mills, &c. Undertakers may survey, &c. giving notice to the owner of the land, &c. and paying damage, if exceeding 6 d. No person shall act as a commissioner, unless he has a freehold estate, &c. of the yearly value of 100 l. Damages unsettled by agreement of parties, or verdict of commissioners, may be ascertained by a jury. If titles of lands are in dispute, commissioners (on giving notice) may proceed to judgment. Satisfaction to be immediately paid after legal determination. Dam above Bramwith upper ford, to be raised 20 inches from low-water mark. Banks to defend low grounds from damages to be raised at the charge of the undertakers. Undertakers shall make a clough under the cut of such dimensions as R. Portington, &c. shall direct, and build a bridge cross the cut for carts and carriages; and make a wall against

against the orchards, &c. belonging to W. Simpson. Undertakers to build a wood bridge cross Stainforth Ford, and maintain the same. Undertakers may make towing-paths, &c. but not on the south side of the river. Undertakers may set up convenient gates in the towing paths; and build bridges over the new cuts. Notice to be given 30 days before commissioners meeting. The undertakers shall have for every customary ton of coals and bark, lime, stone, wood, and timber of English growth, 3d. for all other goods which shall be carried up or down the river, through the lower end of the cut at Barmby Dun, and through the lock at Barmwith and Stainforth, 4d. for every customary ton which is declared to be 2500 weight. Goods of the neighbouring growth, between Goole and the lower end of Barmby Dun, exempted. Goods landed in the neighbourhood, to pay no duty; unless shipped again. Inhabitants of Doncaster, &c. to pay 1d. per ton. Grain of any kind, carried down the river Dun, to pay no duty. A bridge to be built at Stainforth. Boat-maker's name to be wrote in large letters on the out-side of the craft, on the penalty of 40s. Boats to be measured, and marked on the outside, on penalty of 61. Commissioners to determine differences. Opening locks, &c. maliciously, and mis-spending the water, to forfeit 5l. River Dun deemed a navigable river, not subject to the inspection of commissioners of sewers. No ballast, &c. to be thrown into the new cut, on penalty of 20l. Ballast, &c. may be thrown on the banks. Rights saved to the mayor, &c. of York; and commissioners of sewers, of Com' York, Lincoln, and Nottingham. Land owners may use pleasure boats, and fish and fowl, &c.

CAP. XII.

An act for making a chapel lately built by Robert Downes, goldsmith, and others, in the town of Sheffield, in the county of York, a perpetual cure and benefice; and for making a provision for the maintenance of the curate or minister of the said chapel, pursuant to an agreement for that purpose.

WHEREAS the town of Sheffield, in the county of York, is of great extent and very populous and hath only one parish church therein, which, although it is a large and spacious building, cannot contain one half of the people of the said town for the commodious attending and hearing divine service: and whereas, by an instrument under the hand and archiepiscopal seal of the most reverend father in God, William, late lord archbishop of York, bearing date the second day of October, one thousand seven hundred and nineteen, reciting, That he had received a petition under the hands of divers of the parishioners and inhabitants of the said town and parish of Sheffield on behalf of themselves and many thousands more of the said town and parish, setting forth (amongst other things) that they had proposed to erect or build a fit and convenient place or building within the said town of Sheffield, to be consecrated and set apart for the publick worship of Almighty God according to the laws ecclesiastical of this realm, and had been encouraged thereto by the bountifull charity of Robert Downes of Sheffield aforesaid, goldsmith, who out of his pious zeal for promoting and carrying on the said good and charitable work had subscribed and secured the sum of one thousand pounds, to be paid towards building and erecting of such structure or building, to be consecrated and set apart for the uses aforesaid; and had likewise settled to the value of thirty pounds a year, or thereabouts, for

for the perpetual use of a minister or preacher, to be elected and nominated by him the said Robert Downes, his heirs, and assigns; and praying the said archbishop to grant his licence and authority for the purposes therein expressed; the said William lord archbishop of York did grant to divers persons therein named, his full power, licence, and authority, to erect and build, or cause to be erected and built, a decent and commodious structure or building upon a certain close or parcel of ground within the said town of Sheffield, commonly called or known by the name of Shaw Close alias Oxley Croft, then lately purchased for that purpose by the said Robert Downes, to be set apart and consecrated for the publick worship and service of Almighty God, and for celebrating divine service therein according to the form prescribed in and by the liturgy of the church of England: and whereas, pursuant to such licence and authority a handsome and stately structure hath at the costs of the said Robert Downes, and by the pious and charitable contributions of divers other persons, been built or erected on the said close or parcel of ground, and convenient pews have been therein erected and set up, for the more commodious attending divine service to be celebrated therein; and the same building hath been conveyed by the said Robert Downes, to the use of his nephew Joseph Downes clerk, and his heirs, in trust, to be used as a chapel of ease to the said parish church of Sheffield, so as the nomination of the curate of such chapel should be secured to the said Robert Downes and his heirs, &c.

CAP. XIII.

An act for providing a marriage portion for the princess Mary.

Preamble.

WHEREAS his Majesty hath received proposals for a marriage between his daughter the princess Mary, and prince Frederick of Hesse, son of prince William, landgrave of Hesse, brother to the King of Sweden; which his Majesty hath been graciously pleased favourably to accept, and agree to the same, not doubting that this alliance with so considerable a protestant family will be to the general satisfaction of all his good subjects: and his Majesty's faithful commons thinking it highly just and reasonable, that his Majesty should be enabled to give such a portion to his daughter, as may be suitable to the honour and dignity of his crown and family; may it therefore please your most excellent Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That out of all or any of the aids or supplies granted to his Majesty for the service of the year one thousand seven hundred and forty, there shall and may be issued, paid, and applied, the sum of forty thousand pounds, as a marriage portion to her highness the said princess Mary: and the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being,

40,000 l. allowed for the princess Mary's portion.

being, are hereby authorized and impowered to direct the payment of, and to issue the said sum of forty thousand pounds, at such times, and in such manner, as his Majesty by warrant under his royal sign manual shall be graciously pleased to direct and appoint.

CAP. XIV.

An act for making more effectual two acts of parliament, passed in the seventh and tenth years of her late Majesty Queen Anne, For preserving and enlarging the harbour of Whitehaven in the county of Cumberland; and for repairing and amending the high roads leading to the said harbour and town of Whitehaven.

WHEREAS by an act of parliament, made and passed in the seventh year of the reign of her late majesty Queen Anne, Preamble, re-citing the acts of 7 Anne, not printed. intituled, An act for preserving and enlarging the harbour of Whitehaven in the county of Cumberland, certain rates and duties upon coals, and other goods and merchandize, and upon shipping, in the said act particularly mentioned, were charged, and granted, to commence and take effect from and after the twenty fifth day of March, one thousand seven hundred and nine, and to continue for the term of fourteen years then next ensuing, and directed to be applied for making certain moles, and other works, for preserving and enlarging the said harbour, and for deepening the same, and for other purposes in the said act mentioned: and it was thereby enacted, That from and after the expiration of the aforesaid term of fourteen years, one third part of the rates and duties thereby charged upon the tonnage of ships and vessels, and no more, should for ever continue, and be paid for the perpetual repairing, cleansing and maintaining the said harbour; and whereas by another act of parliament, made and passed in the tenth year of the reign of her said late Majesty Queen Anne, all the rates and duties granted by the said former act, for the said term of fourteen years, from the twenty fifth day of March, one thousand seven hundred and nine, were continued for the further term of fourteen years, from the expiration of the said former term: and the trustees in the said former act named were by the said act of the tenth year of the reign of her late majesty Queen Anne, authorized and impowered to borrow money, to finish and compleat the works necessary for the preservation and improvement of the said harbour; and which money, and the interest thereof, were thereby directed to be paid off and discharged in order and course, out of the temporary duties granted and continued by the said acts: and it was by the said last mentioned act enacted and declared, That from and after such time as the said principal sums and interest should be paid off and discharged, and that the justices of the peace at the general quarter sessions for the said county of Cumberland shall adjudge, that the works of the said harbour were sufficiently repaired and secured, the temporary duties thereby granted should cease and determine, and such duties only should be paid from thenceforward, as were granted in perpetuity by the said former act: and whereas in pursuance and by virtue of the said two former acts the said harbour

10 Anne, not printed.

of Whitehaven hath been considerably deepened and improved, and several strong and substantial moles and bulwarks have at great expence been made and erected, whereby ships in the said harbour (which formerly lay exposed, and liable to be driven out and cast away upon the rocks and shoals on that coast) can now lie in safety, and are secure from the violence of the sea, whereby the shipping, trade and navigation within the port and town of Whitehaven have been considerably increased and improved: and whereas the sum of two hundred and twenty pounds, borrowed and taken up in pursuance and upon the credit of the said former acts, and also the sum of seven hundred and eighteen pounds seventeen shillings and seven pence three farthings, for work done and performed in and about the said harbour, do remain due and unsatisfied, notwithstanding the duties raised by the said acts have been strictly applied to the uses of the said harbour, and to pay off the debts incurred for the service thereof: and whereas, in case the moles, bulwarks, and works of the said harbour were enlarged and extended to low-water mark, such depth of water may be obtained, that the largest ships of the said port of Whitehaven might sail in and out of the harbour at neap tides, and other ships frequenting those seas might sail in at half flood, which might tend not only to the preservation of the lives of many of his Majesty's subjects, but also to the improvement and increase of the trade and navigation of the said town and port of Whitehaven: but it hath been found by experience, that the perpetual duties granted and continued by the two former acts, and which took place at Lady-Day one thousand seven hundred and thirty seven (when the temporary duties granted by those acts determined) are not sufficient to keep the said harbour of a proper depth, and the moles and bulwarks belonging to the same in necessary repair, and to discharge the said debt due as aforesaid; a design so useful and beneficial to the said town and port of Whitehaven, and to the trade and navigation of the kingdom, cannot be effected and carried into execution, unless the temporary duties granted and continued by the said former acts, and which are now determined, be revived for a competent term of years, and other provisions made for the purposes afore mentioned: may it therefore please your most excellent Majesty, that it may be enacted, &c.

The two former acts continued for 21 years. Trustees enabled to mortgage the duties. The temporary duties hereby granted, to cease when the harbour shall be sufficiently repaired; but then a moiety of the duties on tonnage to continue for ever.

Certain tolls, for amending the roads, are granted from 10 June, 1740, for 21 years.

CAP. XV.

An act for continuing and making more effectual an act passed in the fifth year of the reign of his late majesty King George the First, For repairing the roads from the top of Stokenchurch Hill to Enslow-bridge, and the road from Wheatley-bridge through the city of Oxon, by Begbrook to New Woodstock in the county of Oxon, except the mile-way on each side of the said city; and for repairing the road from the Crown Alehouse, to the turnpike on Stoken-church Hill aforesaid.

The former act is further continued for 21 years, and to the end of the next session of parliament.

CAP.

CAP. XVI.

An act to give further powers to the commissioners for building a bridge cross the river Thames, from the city of Westminster, to the opposite shore in the county of Surrey, and to enable them to raise a further sum of money towards finishing the said bridge, and to perform the other trusts reposed in them.

WHEREAS the commissioners for building a bridge cross the river Thames, from the Woolstaple, or thereabouts, in the parish of Saint Margaret, Westminster, to the opposite shore in the county of Surrey, or any nine or more of them, are by virtue of several acts of parliament made in the ninth, tenth, eleventh and twelfth years of his present Majesty, some or one of them respectively, authorized to purchase certain lands, tenements and hereditaments, for the purposes in the said acts mentioned: and whereas at certain seasons of the year it may be inconvenient for nine of the commissioners to meet together, and that a less number may be sufficient to answer the intentions of the said acts: and whereas several doubts have arisen, and may arise, relating to the construction, force and effect of the powers vested in the said commissioners, whereby the executing the purposes and design of the said acts of parliament in the best and most advantageous manner may be prevented, or greatly obstructed; therefore, for the explaining and amending the said acts, in order to the more easy execution thereof, and for the more effectual conveying and assuring to the said commissioners, and those claiming or to claim under them, such lands, tenements and hereditaments, as they have been or shall be directed or enabled to purchase by any act or acts of parliament now made, or which may hereafter be made; and for the more secure and proper disposition of the money to be paid for such purchases; be it enacted, &c.

All disabilities to treat about selling houses, &c. taken away. Any persons refusing to treat, a jury to be impanelled, to assess damages. Commissioners judgment thereupon to be final. Their and the juries proceedings to be kept among the records of Middlesex and Surrey respectively. If the property of lands, &c. cannot be reasonably ascertained, the purchase-money to be paid into the bank, and the property vested in the commissioners. Purchase-money may be placed in some of the publick funds, to the use of the persons who shall make proper conveyances. Conveyances to be inrolled at Westminster within six months after making. Persons claiming a right to any estate conveyed to commissioners, may enter their claim within 5 years from the date of the inrollment, in a book kept by the register of Middlesex. 325,000l. to be advanced by 5l. lottery tickets. 25l. for every 100l. amounting in the whole to 48,750l. to be deducted. Proprietors to apply for certificates by 15 March, 1741. The monies deducted to be applied to the building the bridge. Penalty on selling chances of tickets for less than the whole time of drawing. 500l. penalty on selling interests in tickets not in the persons possession.

CAP. XVII.

An act for the increase of mariners and seamen to navigate merchant ships and other trading ships or vessels.

Preamble.

WHEREAS it is necessary to give all fitting encouragement to persons to apply themselves to the sea service, and the practice of navigation, and also to foreign mariners and seamen to engage in the British service; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That every person herein after mentioned shall be freed and exempted from being impressed into the service of his Majesty, his heirs and successors (that is to say) every person being of the age of fifty five years or upwards, and every person not having attained the full age of eighteen years, and every foreigner, being a mariner, seaman, or landman, who shall serve in any merchant ship, or other trading ship or vessel, or privateer, belonging to the subjects of the crown of *Great Britain*.

Persons exempted from being impressed.

II. And, for the encouragement of able-bodied landmen to betake themselves to the sea service; be it further enacted by the authority aforesaid, That every person of what age soever he be, who shall use the sea, shall be freed and exempted from being impressed for the full space of two years, to be computed from the time of his first going to sea; and that every person who, not having before used the sea, shall bind himself apprentice to serve at sea, shall be freed and exempted from being impressed for the full space of three years, to be computed from the time of his binding himself apprentice as aforesaid.

Lord High admiral, &c. to grant protections for that purpose.

III. And, for the better securing to all the persons before mentioned the benefit intended them by this act; be it further enacted by the authority aforesaid, That the lord high admiral of *Great Britain*, or commissioners for executing the office of lord high admiral for the time being, or any three or more of them, shall, upon due proof made before him or them of the respective ages and circumstances (as the case shall happen) of any of the persons before mentioned, grant a protection to every such person to secure him from being impressed, for such time as by the true intent and meaning of this act such person is to be free and exempted from being impressed; all which protections shall be granted without any fee or reward to be taken for the same.

without fee.

CAP. XVIII.

An act to continue several laws therein mentioned; for punishing such persons as shall wilfully and maliciously pull down or destroy turnpikes, for repairing highways, or locks, or other works erected by authority of parliament for making rivers navigable; for preventing exactions of the occupiers of locks and weirs upon the river of Thames westward, and for ascertaining the rates of water carriage upon the said river; for preventing frivolous and vexatious arrests; and for the better securing the lawful trade of his Majesty's subjects to and from the East-Indies, and for the more effectual preventing all his Majesty's subjects trading thither under foreign commissions; and for limiting the time for suing forth writs of Certiorari upon proceedings before justices of the peace; and for regulating the time and manner of applying for the same; for the better and more speedy execution of process within particular franchises or liberties; and for extending the powers and authorities of justices of the peace of counties touching county rates, to the justices of the peace of such liberties and franchises as have commissions of the peace within themselves.

WHEREAS the laws herein after mentioned (which have by experience been found useful and beneficial) are near expiring; may it therefore please your most excellent Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the first year of the reign of his present Majesty, intituled, *An act for punishing such persons as shall wilfully and maliciously pull down or destroy turnpikes, for repairing highways, or locks, or other works erected by the authority of parliament, for making rivers navigable*; which was to continue in force from the twenty fourth day of June, one thousand seven hundred and twenty eight, for the term of five years, and from thence to the end of the then next session of parliament; and which by an act, made in the fifth year of the reign of his present Majesty, was further continued for five years, from the twenty-fourth day of June, one thousand seven hundred and thirty-two, and from thence to the end of the then next session of parliament, and which by an other act made in the eighth year of the reign of his present Majesty was further continued for five years, from the fifteenth day of May one thousand seven hundred and thirty five, and from thence to the end of the then next session of parliament, shall be and is hereby further continued from the expiration thereof, until the first day of June, which shall be in the year of our Lord one thousand seven hundred and forty seven,

1 Geo. 2. c. 19.
Act against
destroying
turnpikes,
continued.
Continued by
20 Geo. 2. c. 47.

3 Geo. 2. c. 11.
Act to prevent
exactions at
the locks.
EXP.

II. And be it further enacted by the authority aforesaid, That an act made in the third year of the reign of his present Majesty, intituled, *An act for reviving and amending an act made in the sixth and seventh years of the reign of his late majesty King William the Third, intituled, An act to prevent exactions of the occupiers of locks and wears upon the river of Thames westward, and for ascertaining the rates of water carriage upon the said river, which was to continue in force from the first day of May, one thousand seven hundred and thirty, for the term of nine years, and from thence to the end of the then next session of parliament, shall be, and is hereby further continued from the expiration thereof until the first day of June, which shall be in the year of our Lord one thousand seven hundred and forty seven.*

12 Geo. 1. c. 29.
Act to prevent
frivolous ar-
rests.
Perpetual.

81 Geo. 2. c. 3.

III. And be it further enacted by the authority aforesaid, That an act made in the twelfth year of the reign of his late majesty, intituled, *An act to prevent frivolous and vexatious arrests, which was to continue in force from the twenty fourth day of June, one thousand seven hundred and twenty six, for the term of five years, and from thence to the end of the then next session of parliament; and which by another act made in the fifth year of the reign of his present Majesty, was explained, amended, and further continued for the term of seven years, and from thence to the end of the then next session of parliament, shall be, and is hereby further continued, from the expiration thereof, until the first day of June, which shall be in the year of our Lord one thousand seven hundred and forty seven.*

5 Geo. 2. c. 21.
Act to secure
the lawful
trade to the
East Indies.
Continued by
20 Geo. 2,
c. 47.

IV. And be it further enacted by the authority aforesaid, That an act made in the fifth year of the reign of his present Majesty, intituled, *An act for reviving an act made in the fifth year of the reign of his late majesty King George the First, intituled, An act for the better securing the lawful trade of his Majesty's subjects to and from the East-Indies, and for the more effectual preventing all his Majesty's subjects trading thither under foreign commissions; which was to continue in force from the first day of May, one thousand seven hundred and thirty two, for the term of seven years, and from thence to the end of the then next session of parliament, shall be, and is hereby further continued, from the expiration thereof, until the first day of June, which shall be in the year of our Lord one thousand seven hundred and forty seven.*

Writ of Cer-
tiorari how to
be applied for.

V. And, for the better preventing vexatious delays and expence, occasioned by the suing forth writs of *Certiorari*, for the removal of convictions, judgments, orders, and other proceedings before justices of the peace; be it further enacted by the authority aforesaid, That from and after the twenty fourth day of June, which shall be in the year of our Lord one thousand seven hundred and forty, no writ of *Certiorari* shall be granted, issued forth or allowed, to remove any conviction, judgment, order or other proceedings had or made by or before any justice or justices of the peace of any county, city, borough, town corporate or liberty, or the respective general or quarter sessions thereof, unless such *Certiorari* be moved or applied for within six

calendar months next after such conviction, judgment, order or other proceedings shall be so had or made, and unless it be duly proved upon oath, that the said party or parties suing forth the same, hath or have given six days notice thereof in writing to the justice or justices, or to two of them, (if so many there be) by and before whom such conviction, judgment, order or other proceedings shall be so had or made, to the end that such justice or justices, or the parties therein concerned, may shew cause, if he or they shall so think fit, against the issuing or granting such *Certiorari*.

VI. And, for the better and more speedy execution of process within particular franchises or liberties; be it further enacted by the authority aforesaid, That from and after the third day of *November*, which shall be in the year of our Lord one thousand seven hundred and forty, the sheriff of every shire, being no city or town made a shire, within which there is any franchise or liberty, the lord or proprietor whereof is of right intitled to the return of writs within such franchise or liberty, shall (if required by any such lord or proprietor) within one month next after such request made to him for that purpose, nominate and appoint one or more sufficient deputy or deputies, at the proper costs and charges of such lord or proprietor, to be resident at some convenient town or place in or near such franchise or liberty, to be for that purpose appointed by the lord high chancellor of *Great Britain*, and the chief justices of his Majesty's courts of *King's Bench* and *Common Pleas* for the time being, or any one of them, who is and are hereby authorized and empowered to appoint such convenient town or place, as to him or them shall seem meet, and to settle and direct what costs and charges shall be paid therefore by such lord or proprietor; and such deputy or deputies shall reside at such town or place so to be appointed as aforesaid, and shall have authority in the sheriff's name, and is, and are respectively authorized and empowered, to receive and open all such writs and process (the execution or return whereof doth of right belong to the lord or proprietor of any such franchise or liberty) and thereupon in the name, and under the seal of the sheriff, to make and issue out such warrant or warrants to such lord or proprietor, as by law is requisite, for the due execution of such writs or process; and every such deputy or deputies is and are hereby required, upon tender of any such writ or process, to receive and open the same, and to issue out such warrant thereon, without delay, in such manner and form as the sheriff himself may or ought to do, without taking any further or other fee than what is now due and accustomed for such warrant, upon pain that every such sheriff or deputy respectively, who shall be guilty of any wilful neglect or default in the premises, shall be liable to be punished for the same, as for a contempt of one of his Majesty's said courts of *Chancery*, *King's Bench*, or *Common Pleas*, (as the case shall require) and shall likewise make satisfaction to the party or parties that shall receive damage thereby.

Sheriffs to appoint deputies at the request of lords of liberties.

VII. *And whereas by an act passed in the twelfth year of his present Majesty's reign, intituled, An act for the more easy assessing, collecting, and levying of county rates, several powers and authorities are given to the justices of the peace in that part of Great Britain called England, within the respective limits of their commissions, at their general or quarter sessions, from time to time to make one general rate or assessment for such sum or sums of money as they in their discretion shall think sufficient to answer all and every the ends and purposes of the several acts therein recited; but there being a proviso in the said act, that the same, or any thing therein contained, should not extend, or be construed to extend, to make any persons, liberties, divisions, or places liable to pay to any rate to be made in pursuance of the said act, to which such person, liberty, division, or place did not, or was not liable to contribute before the passing thereof; some doubts have arisen whether the said act doth extend to liberties and franchises, which are not within the jurisdiction of the commissions of the peace for the counties in which such liberties and franchises lie, and so never did nor were liable to contribute to the said county rates; to the end therefore that such liberties and franchises may not be wholly deprived of the benefit of the said in part recited act, it is hereby declared and enacted by the authority aforesaid, That where any liberties or franchises within that part of Great Britain called England, have commissions of the peace within themselves, and are not subject to the jurisdiction of the commissions of the peace for the counties in which such liberties or franchises lie, and do not, nor did before the making the said in part recited act, contribute or pay to the several rates made for the said counties; it shall and may be lawful to and for the justices of the peace of such liberties and franchises, within the respective limits of their commissions, to have, use, and exercise all and singular the powers, authorities, and methods, given or prescribed by the said in part recited act, and all such liberties and franchises are hereby declared to be subject thereto, in the same manner to all intents and purposes, as counties at large are; any thing in the said in part recited act contained, or any law, usage, or custom to the contrary thereof in any wise notwithstanding.*

Justices of the peace for liberties, to act with the same power as justices for the county, in collecting county rates.

C A P. XIX.

An act to restrain and prevent the excessive increase of horse races, and for amending an act made in the last session of parliament, intituled, An act for the more effectual preventing of excessive and deceitful gaming.

Preamble.

WHEREAS the great number of horse races for small plates, prizes, or sums of money, have contributed very much to the encouragement of idleness, to the impoverishment of many of the meaner sort of the subjects of this kingdom, and the breed of strong and useful horses hath been much prejudiced thereby: for remedy thereof, may it please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons,

mons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of *June*, one thousand seven hundred and forty, no person or persons whatsoever shall enter, start, or run any horse, mare, or gelding for any plate, prize, sum of money, or other thing, unless such horse, mare, or gelding shall be truly and *bona fide* the property of, and belonging to such person so entering, starting, or running the same horse, mare, or gelding; nor shall any one person enter and start more than one horse, mare, or gelding, for one and the same plate, prize, or sum of money, or other thing; and in case any person or persons shall after the said twenty fourth day of *June*, one thousand seven hundred and forty, enter, start, or run any horse, mare, or gelding, not being the property truly and *bona fide* of such person so entering, starting, or running the same, for any plate, prize, sum of money, or other thing, the said horse, mare, or gelding, or the value thereof, shall be forfeited, to be sued for and recovered, and disposed of, in manner as is herein after mentioned; and in case any person or persons shall enter and start more than one horse, mare, or gelding, for one and the same plate, prize, or sum of money, or other thing, every such horse, mare, or gelding (other than the first entered horse, mare, or gelding) or the value thereof, shall be forfeited, to be sued for and recovered, and disposed of, in manner as herein after is mentioned.

Horses to be entered by the owners,

and no more than one at a time.

II. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, one thousand seven hundred and forty, no plate, prize, sum of money, or other thing, shall be run for by any horse, mare, or gelding, or advertised, published, or proclaimed to be run for by any horse, mare, or gelding; unless such plate, prize, or sum of money shall be of the full, real, and intrinsic value of fifty pounds or upwards; and in case any person or persons shall from and after the twenty fourth day of *June*, one thousand seven hundred and forty, enter, start, or run any horse, mare, or gelding for any plate, prize, sum of money, or other thing of less value than fifty pounds, or shall make, print, advertise, publish, or proclaim any advertisement or notice of any plate, prize, sum of money, or other thing of less value than fifty pounds as aforesaid, to be run for by any horse, mare, or gelding; every such person or persons so entering, starting or running such horse, mare, or gelding for such plate, prize, sum of money, or other thing of less value than fifty pounds as aforesaid, shall forfeit and lose the sum of two hundred pounds, to be sued for, recovered, and disposed of in such manner as is herein after prescribed and directed; and every person or persons who shall make, print, publish, advertise, or proclaim any advertisement or notice of any plate, prize, sum of money, or other thing of less value than fifty pounds aforesaid, to be run for by any horse, mare, or gelding, shall forfeit and lose the sum of one hundred pounds.

No plate to be run for under 50l. value,

on penalty of 200l.

III. And be it further enacted by the authority aforesaid, That from and after the twenty fourth day of *June*, one thousand seven hundred and forty, Five years old horses to carry 10 stone,

6 years old
11 stone,

7 years old
12 stone.

Horses carry-
ing less
weight, to be
forfeited, and
person enter-
ing forfeits
200 l.

Race to be
begun and
ended in one
day.

Matches to be
at Newmarket
and Black
Hambleton
only,

and for not
less than 50 l.

on penalty of
200 l.

One half to
the use of the
informer, and
the other to
the poor of
the parish;

but in Somers-
setshire, one
half to the
hospital at
Bath.

land seven hundred and forty, no horse, mare, or gelding, being of the age of five years, shall be entered, started, or run for any plate, prize, sum of money, or other thing whatsoever, unless such horse, mare, or gelding shall carry ten stone weight, computing fourteen pounds to each stone weight; and that no horse, mare, or gelding, being of the age of six years, shall be entered, started, or run for any plate, prize, sum of money, or other thing whatsoever, unless such horse, mare, or gelding shall carry eleven stone weight, computing fourteen pounds to each stone weight; and that no horse, mare, or gelding, being of the age of seven years, shall be entered, started, or run for any plate, prize, sum of money, or other thing whatsoever, unless such horse, mare, or gelding shall carry twelve stone weight, computing fourteen pounds to each stone weight; and in case any person or persons shall enter, start, or run any horse, mare, or gelding, of either of the ages aforesaid, for any plate, prize, or sum of money, or other thing, carrying less than the weights herein before directed to be carried, such horse, mare, or gelding, or the value thereof, shall be forfeited, and the person or persons so entering, starting, or running such horse, mare, or gelding, shall forfeit and lose the sum of two hundred pounds.

IV. Provided also, That every race that shall be hereafter run for any plate, prize, or sum of money, be begun and ended in the same day.

V. And be it further enacted by the authority aforesaid, That from and after the twenty fourth day of *June*, one thousand seven hundred and forty, no person or persons whatsoever shall start or run any match with or between any horse, mare, or gelding, for any sum of money, plate, prize, or other thing whatsoever; unless such match shall be started or run at *Newmarket Heath*, in the counties of *Cambridge* and *Suffolk*, or *Black Hambleton* in the county of *York*, or the said sum of money, plate, prize, or other thing be of the real and intrinsic value of fifty pounds, or upwards: and in case any person or persons shall start or run any such match at any other place than *Newmarket Heath* or *Black Hambleton* aforesaid, or for any plate, prize, sum of money, or other thing of less value than fifty pounds, every such person or persons shall forfeit and lose the sum of two hundred pounds.

VI. And be it further enacted by the authority aforesaid, That all penalties and forfeitures incurred by any person or persons for any offence against this act shall be sued for and recovered by any action, bill, plaint, or information in any of his Majesty's courts of record at *Westminster*, or at the assizes, and shall be disposed of, one moiety thereof to the use of such person or persons as shall so sue for the same, and the other moiety to the use of the poor of such parish or place where the offence shall be committed; except such one moiety of such penalties and forfeitures as shall be incurred by, and recovered of any person or persons within the county of *Somerset*; which said one moiety shall go and be applied to and for the use and benefit of the poor persons

sons admitted into the hospital or infirmary lately erected in the city of *Bath*, for the benefit of poor persons resorting to the said city for the benefit of the mineral waters there.

VII. And be it further enacted by the authority aforesaid, That from and after the twenty fourth day of *June*, one thousand seven hundred and forty, all and every sum or sums of money to be paid for entering of any horse, mare, or gelding to start or run for any plate, prize, sum of money, or other thing, shall go and be paid to the second best horse, mare, or gelding, which shall start or run for such plate, prize, or sum of money, as aforesaid.

Entrance money to be paid to the second best horse.

VIII. Provided always, That nothing herein contained shall extend, or be construed to extend to prevent the starting or running any horse, mare, or gelding for any plate, prize, or other thing or things now issuing out of or paid for or by the rents, issues, and profits of any lands, tenements, or hereditaments, or of or by the interest of any sum or sums of money not chargeable with the same, or appropriated for that purpose.

Gifts left for annual races, not to be altered.

IX. And whereas a good and wholesome law was made in the twelfth year of the reign of his present majesty King George the Second, intituled, An act for the more effectual preventing of excessive and deceitful gaming; but contrary to the true intent and meaning thereof, some fraudulent and deceitful games have been invented, and a certain game called *Passage* is now daily practised and carried on, to the ruin and impoverishment of many of his Majesty's subjects; it is therefore hereby enacted and declared, That the said game of *passage*, and all and every other game and games invented or to be invented with one or more die or dice, or with any other instrument, engine, or device in the nature of dice, having one or more figures or numbers thereon (backgammon and the other games now played with the backgammon tables only excepted) are and shall be deemed to be games or lotteries by dice, within the intent and meaning of the said in part recited act; and all and every person and persons who shall set up, maintain, or keep any office, table, or place (save and except as in the said in part recited act is provided and declared) for the said game of *passage* or for any other such game or games, as aforesaid (backgammon and the other games now played with the backgammon tables only excepted) shall severally forfeit, be subject, and liable to, all and every the penalties and forfeitures in and by the said in part recited act inflicted upon any person or persons who shall erect, set up, continue, or keep any of the games or lotteries in the said in part recited act mentioned; and all and every person or persons who shall play, set at, stake, or adventure at the said game of *passage*, or at any other such game, as aforesaid (backgammon and the other games now played with the backgammon tables only excepted) save and except as in the said in part recited act is provided and declared, he and they respectively shall severally forfeit, be subject, and liable to all and every the penalties and forfeitures in and by the said in part recited act inflicted upon any person or persons who shall play, set at, stake,

Act against excessive gaming.
12 Geo. 2. c. 28.

Game of *Passage*, and other games with dice, prohibited.

or

or adventure at any of the said games in the said in part recited act mentioned; and all and every such offenders respectively shall be prosecuted and convicted, and the several penalties and forfeitures shall be sued for, and recovered and disposed of in like manner, and to such uses, as the several penalties and forfeitures in either of such cases are by the said in part recited act directed to be sued for, and recovered, and disposed of.

X. And be it further enacted by the authority aforesaid, That in any action, bill, plaint, or information to be brought or commenced by virtue of this act, no essoin, protection, wager of law, or more than one imparlance shall be allowed; and that over and above the penalties and forfeitures to be recovered by virtue of this act, the plaintiff or informer shall recover his or her double costs.

Double costs.

18 s. 2. c. 34.

CAP. XX.

An act for the more effectually preventing fraudulent qualifications of persons to vote as freeholders in the election of members to serve in parliament, for such cities and towns as are counties of themselves, in that part of Great Britain called England.

Preamble reciting the act 10 Annæ, c. 23.

WHEREAS by an act made in the tenth year of the reign of Queen Anne, intituled, An act for the more effectual preventing fraudulent conveyances, in order to multiply votes for electing knights of shires to serve in parliament, it is enacted, That all estates and conveyances whatsoever, made to any person or persons in any fraudulent or collusive manner, on purpose to qualify him or them to give his or their vote or votes at such elections of knights of the shire, subject nevertheless to conditions or agreements to defeat or determine such estate, or to re-convey the same, shall be deemed and taken against those persons who executed the same as free and absolute, and be holden and enjoyed by all and every such person or persons to whom such conveyance shall be made as aforesaid, freely and absolutely acquitted, exonerated, and discharged, of and from all manner of trusts, conditions, clauses of re-entry, powers of revocation, provisos of redemption, or other defeazances whatsoever, between or with the said parties, or any other person or persons in trust for them; and that all bonds, covenants, collateral or other securities, contracts, or agreements, between or with the said parties, or any other person or persons in trust for them, or any of them, for the redeeming, revoking, or defeating such estate or estates, or for the restoring or re-conveying thereof, or any part thereof, to any person or persons who made or executed such conveyance, or to any other person or persons in trust for them, or any of them, shall be null and void to all intents and purposes whatsoever; and that every person who shall make and execute such conveyance or conveyances as aforesaid, or being privy to such purpose, shall devise or prepare the same, and every person who by colour thereof shall give any vote at any election of any knight or knights of the shire to serve in parliament, shall, for every such conveyance so made, or vote so created or given, forfeit the sum of forty pounds to any person who shall

shall sue for the same, to be recovered, together with full costs of suit, by action of debt, bill, plaint, or information in any of the courts of record at Westminster, wherein no essoin, privilege, protection, wager of law, or more than one imparlance shall be admitted or allowed. And it is thereby further enacted, That no person shall vote for the electing of any knight of a shire within that part of Great Britain called England, in respect or in right of any lands or tenements which have not been charged or assessed to the publick taxes, church rates, and parish duties, in such proportion as other lands or tenements of forty shillings per annum, within the same parish or township where the same shall lie, or be usually charged, and for which such person shall not have received the rents or profits, or be intitled to have received the same, to the full value of forty shillings or more to his own use for one year before such election; unless such lands or tenements came to such person within the time aforesaid by descent, marriage, marriage settlement, devise, or presentation to some benefice in the church, or by promotion to some office unto which such freehold is affixed; and that if any person shall vote in any such election, contrary to the true intent and meaning of the said act, he shall for every such offence forfeit the sum of forty pounds, one moiety thereof to the poor of the parish or parishes where the lands or tenements lie, for which such person shall vote, and the other moiety to the person or persons who shall sue for the same, to be recovered by action of debt, bill, plaint, or information in any of the courts of record at Westminster, wherein no essoin, privilege, protection, or wager of law shall be allowed, or more than one imparlance: and whereas by an act made in the next session of parliament, to explain a clause in the said last recited act, made in the tenth year of the reign of Queen Anne, it is enacted, That the said act, made in the tenth year of the reign of Queen Anne, or any thing therein contained, shall not extend, or be construed to restrain any person from voting in such election of any knight of a shire within that part of Great Britain called England, in respect, or in right of any rents, tythes, or other incorporeal inheritances, or any messuages or lands in extraparoehial places, or any chambers in the inns of court, or inns of Chancery, or any messuages or seats belonging to any offices, in regard, or by reason that the same have not usually been, or shall not be charged or assessed to all or any of the publick taxes, church rates, and parish duties, as mentioned in the said act, made in the tenth year of the reign of Queen Anne, or in respect or right of any other messuages or lands not therein before specified, in regard, or by reason that the same have not been usually charged or assessed to all and every the publick taxes, church rates, and parish duties aforesaid; provided that such messuages or lands have usually been charged or assessed to some one or more of the said publick taxes, rates, or duties, in such proportion as other messuages or lands, of forty shillings per annum, within the same parish or township where the same shall lie or be, are usually charged to the same; any thing contained in the said act, made in the tenth year of the reign of Queen Anne, to the contrary thereof in any wise notwithstanding: and whereas it is reasonable, That provision should likewise be made to prevent any fraudulent conveyances of lands and tenements, in order to multiply votes for electing members to serve in parliament, for such cities and towns as are

Voters to be possessed of lands, &c. to the value of 40s. per ann. a full year before the election.

Unless such lands come by descent, &c. within the time,

on penalty of 40l.

12 Anne, stat. 1. c. 5.

Persons voting as freeholders not having an estate 1 year before election, subject to the penalties and forfeitures
10 Annæ.

Exception.

In part repealed by 19 Geo. 2. c. 28.

are counties of themselves, wherein persons have a right to vote for electing such members, for or in respect of lands, tenements or hereditaments of the yearly value of forty shillings; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fifth day of *March*, one thousand seven hundred and forty, the said provisions contained in the said in part recited act made in the tenth year of the reign of *Queen Anne*, for preventing fraudulent conveyances, in order to multiply votes for electing knights for shires; and in the said act made in the next sessions of parliament, shall be extended, and construed to extend, to such lands or tenements, for or in respect of which any person shall vote for the election of any member to serve in parliament, for any such city or town as aforesaid, being a county of itself, in that part of *Great Britain* called *England*; and that if any person shall vote for the election of any such member as a freeholder, not having such an estate for one year before the same election, and so charged or assessed, as in the said acts, or one of them, is described, except in cases therein excepted, every such person shall be subject to the like penalties and forfeitures as are by the said act made in the tenth year of the reign of *Queen Anne*, imposed on persons voting for knights of shires, not having the qualifications thereby required.

CAP. XXI.

An act for further and more effectually preventing the wilful and malicious destruction of collieries and coal works.

Preamble, reciting the act
10 Geo. 2.
c. 32.

Persons drowning coal pits, shall pay treble damages, and full costs;

WHEREAS of late divers evil-disposed persons possessed of or interested in collieries, have by secret and subtil devices wilfully and maliciously attempted to drown adjacent collieries, and have by means of water conveyed or obstructed for that purpose destroyed or damaged the same, intending thereby to enhance the price of coals, and gain the monopoly thereof: and whereas by an act made in the tenth year of the reign of his present Majesty it was enacted, That if any person or persons shall wilfully and maliciously set on fire, or cause to be set on fire, any mine, pit, or delph of coal, or channel coal, every person so offending, being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death as in cases of felony, without benefit of clergy: and whereas it is reasonable that on adequate punishment should likewise be inflicted on persons who shall wilfully and maliciously destroy or damage collieries by means of water as is aforesaid; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if any person, from and after the twelfth day of *June*, one thousand seven hundred and forty, shall unlawfully, wilfully, and maliciously divert, or cause to be diverted, water from any river, brook, watercourse, channel, or land flood, or convey, or cause to be conveyed, water into any coal

coal work, mine, pit, or delph of coal, or into any subterraneous cavities or passages, or make, or cause to be made, any subterraneous cavities or passages, with design thereby to destroy or damage any coal work, mine, pit, or delph of coal belonging to any other person or persons, or shall for that purpose unlawfully, wilfully, and maliciously destroy or obstruct any fough or sewer (which has been a fough or sewer in common for fifty years) made for draining any coal work, mine, pit, or delph of coal, or shall attempt or continue any such mischievous practice, or shall aid or assist therein in manner aforesaid; every such person shall, for every such offence, forfeit and pay to the party or parties aggrieved treble damages, and full costs of suit, to be sued for and recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*,

II. Provided always, That nothing in this act contained shall prevent or restrain, or be construed to prevent or restrain any person or persons, being the owner or owners of any fough, drain, or sewer, from destroying, obstructing, or diverting, using or disposing of any such fough, drain, or sewer, in such manner as he, she, or they respectively may now lawfully do. Except such coal pits are their own.

CAP. XXII.

An act for enlarging the term and powers granted and given by an act passed in the tenth year of the reign of his late majesty King George the First, intituled, *An act for repairing the road leading from Dunchurch in the county of Warwick, to the bottom of Meriden Hill in the same county*; and for making the said act more effectual.

The act is continued for 21 years, to the end of the next session of parliament.

CAP. XXIII.

An act for granting to his Majesty the sum of one million out of the sinking fund, for the service of the year one thousand seven hundred and forty; and for enabling his Majesty to raise the further sum of two hundred thousand pounds out of the growing produce of the said fund; and for granting to his Majesty the sum of twenty one thousand pounds, one shilling, and eight pence halfpenny, remaining in the receipt of his Majesty's exchequer, arisen by sale of lands in the island of Saint Christopher's; and for the further appropriating the supplies granted in this session of parliament.

Most gracious Sovereign,

WE your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, being Preamble.
desirous not only to raise such supplies as are necessary to enable your Majesty to carry on the present war with success, but also to use such ways and means therein, as that your Majesty may have the better and more speedy effect of the said supplies, have resolved to give and grant unto your Majesty the sum of one million out of the surplusses, excesses, and overplus monies,
com-

Treasury to
issue out of
the sinking
fund,
1,000,000 l.

commonly called *The Sinking Fund*, towards the supply granted to your Majesty for the service of the year one thousand seven hundred and forty; and also to enable your Majesty to issue and apply the further sum of two hundred thousand pounds, out of the growing produce of the said sinking fund, for the service of the said year one thousand seven hundred and forty; and to that end and purpose do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That by or out of such monies as now are, or shall from time to time quarterly be, in the receipt of the exchequer, of the said surplusses, excesses, and overplus monies, commonly called *The Sinking Fund* (after paying or reserving sufficient to pay all such sum and sums of money as have been directed by any former act or acts of parliament to be paid out of the same) there shall and may be issued, paid, and applied, a sum not exceeding the said sum of one million, for and towards the supply granted to his Majesty for the service of the said year one thousand seven hundred and forty; and the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer or any three or more of the commissioners of the treasury for the time being, are hereby authorized and empowered to issue and apply the same accordingly.

and the growing produce of the said fund, towards raising the further sum of 200,000 l. for the service of the year 1740.

II. And for or towards raising the said further sum of two hundred thousand pounds, it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, and they are hereby authorized and empowered from time to time, quarterly, to issue and apply the growing produce of the said surplusses, excesses, and overplus monies, commonly called *The Sinking Fund* (after paying or reserving sufficient to pay the said sum of one million by this act granted as aforesaid, and all such other sum and sums of money as are appropriated to any particular use or uses by any former or other act or acts of parliament in that behalf) towards raising the said further sum of two hundred thousand pounds, for or towards the supply granted to his Majesty for the service of the said year one thousand seven hundred and forty.

III. And be it further enacted by the authority aforesaid, That the sum of twenty one thousand pounds, one shilling, and eight pence halfpenny, remaining in the receipt of his Majesty's exchequer, arisen by sale of the lands in the island of Saint Christopher's, shall and may be issued and applied, as part of the supply granted to his Majesty for the service of the year one thousand seven hundred and forty; any law, statute, or provision to the contrary in any wise notwithstanding.

IV. And it is hereby enacted by the authority aforesaid, That

That in case the said commissioners of his Majesty's treasury, or the said any three or more of them, or the high treasurer for the time being, shall think it adviseable to raise the said sum of one million two hundred thousand pounds, or any part thereof, by loans or exchequer bills, in manner hereafter mentioned, that it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to advance or lend to his Majesty, at the receipt of his Majesty's exchequer, any sum or sums of money not exceeding the said sum of one million two hundred thousand pounds, upon the credit of the surplusses, excesses, and overplus monies, commonly called *The Sinking Fund*; and to have and receive for the forbearance of the money lent, interest after a rate not exceeding three pounds ten shillings *per centum per annum*, so as such loans be allowed to be made by the said commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three of the commissioners of the treasury for the time being, who are hereby authorized to issue their warrants for that purpose as fast as such loans shall be wanted for the publick service; and moreover that no money to be lent upon the security of this act shall be rated and assessed to any tax or assessment whatsoever.

V. And be it further enacted, That all and every person and persons who shall lend any money upon the credit of this act as aforesaid, and pay the same into the receipt of the exchequer, shall immediately have a tally of loan struck for the same, and an order for his, her, or their repayment, bearing the same date with his, her, or their tally, in or upon which order shall be also contained a warrant for payment of interest for the forbearance thereof, not exceeding the said rate of three pounds ten shillings, *per centum per annum*, and to be paid every three months, until the repayment of the principal; and all such orders for repayment of money so to be lent shall be registred in course according to the dates respectively; and that all and every person and persons shall be paid in course, according as their orders shall stand registred in the said register books, so as the person or persons, natives or foreigners, his, her, or their executors, administrators, or assigns, who shall have his, her, or their order or orders first entred in the said books of register, shall be taken and accounted to be the first person or persons to be paid out of the said surplusses, excesses, and overplus monies; and he, she, or they, who shall have his, her, or their order or orders next entred, shall be taken and accounted to be the second person to be paid, and so successively and in course; and that the monies to come in of or for the said surplusses, excesses, and overplus monies, commonly called *The Sinking Fund*, as aforesaid, shall be in the same order liable to the satisfaction of the said respective persons, and body or bodies politick or corporate, their executors, administrators, successors, or assigns respectively, without undue preference of one before another, and not otherwise; and shall not be diverted or divertible to any other use, intent, or purpose whatsoever, other than such uses and purposes as are

Lender to
have tallies
and orders,
and payments to
be in course.

No undue
preference.

Officers take
no fees.

Penalties.

appointed by any other act or acts of parliament in that behalf as
aforesaid; and that no fee, reward, or gratuity directly or indi-
rectly shall be demanded or taken of any of his Majesty's sub-
jects for providing or making of any such books or registers, or
any entries, views, or searches in or for payment of money lent
or the interest thereof as aforesaid, by any of his Majesty's offi-
cer or officers, their clerks, or deputies, on pain of payment of
treble damages to the party grieved by the party offending, with
full costs of suit; or if the officer himself take or demand any
such fee or reward, then to lose his place also; and if any undue
preference of one before another shall be made either in point of
registry or payment, contrary to the true meaning of this act,
by any such officer or officers, then the party offending shall be
liable by action of debt, or on the case to pay the value of the
debt with full costs of suit to the party grieved, and shall be fore-
judged of his office or place; and if such preference be unduly
made by any his deputy or clerk, without direction or privity
of his master, then such deputy or clerk only shall be liable to
such action, debt, damages, and costs, and shall be for ever af-
ter incapable of his office or place; and in case the auditor of the
receipt shall not direct the said orders of loan, or the clerk of the
pells record, or the tellers make payment upon such order, ac-
cording to each person's due place and order as before directed,
then he or they shall be adjudged to forfeit, and the respective
deputies and clerks therein offending, to be liable to such action,
debt, damages, and costs, in such manner as aforesaid; all
which said penalties, forfeitures, damages, and costs, to be in-
curred by any the officers of the exchequer, or any their depu-
ties or clerks, shall and may be recovered by action of debt, bill,
plaint, or information, in any of his Majesty's courts of record
at *Westminster*; wherein no essoin, protection, privilege, wager
of law, injunction, or order of restraint shall be in any wise
granted or allowed.

What shall be
interpreted no
undue pre-
ference.

VI. Provided always, and it is hereby declared, That if it
shall happen that several tallies of loans or orders for payment
as aforesaid, bear date or be brought the same day to the audi-
tor of the receipt to be registred, then it shall be interpreted no
undue preference which of those be entred first, so as he enters
them all the same day.

VII. Provided also, That it shall not be interpreted any un-
due preference, to incur any penalty, in point of payment, if
the auditor direct, and the clerk of the pells record, and the
tellers do pay subsequent orders, to persons that come and de-
mand their monies, and bring their orders, before other per-
sons that did not come to take their monies, and bring their
orders in course; so as there be so much money reserved as will
satisfy precedent orders, which shall not be otherwise disposed
of, but kept for them, interest upon loan being to cease from
the time the money is so reserved and kept in bank for them.

VIII. And be it further enacted, That all and every person
and persons to whom any money shall be due for loans to be re-
gistred

gifted by virtue of this act, after order entred in the book of register as aforesaid; his, her, or their executors, administrators, or assigns, by proper words of assignment to be indorsed and written upon his, her, or their order, may assign or transfer his, her, or their right, title, interest and benefit of such order to any other, which being notified in the office of the auditor of the receipt aforesaid, and an entry or memorial thereof also made in the book of registry aforesaid for orders (which the officers shall upon request without fee or charge accordingly make) shall intitle such assignee, his, her, or their executors, administrators, successors, and assigns, to the benefit thereof and payment thereon, and such assignee may in like manner assign again, and so *in series quoties*; and afterwards it shall not be in the power of such person or persons who have or hath made such assignment, to make void, release, or discharge the same, or any the monies thereby due, or any part thereof.

Orders assign-
able.

IX. And to the end there may be no want or failure of a certain sum, not to exceed in the whole the said sum of one million two hundred thousand pounds, to be raised either by such loans as aforesaid, or by issuing exchequer bills as is herein after mentioned, or by both or either of those ways or means, for the publick service; Be it further enacted by the authority aforesaid, That in case the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall judge it more advisable to raise the said sum of one million two hundred thousand pounds; or any part thereof, by exchequer bills instead of such loans as aforesaid; that then they respectively are hereby authorized and impowered at any time or times to prepare and make, or cause to be prepared and made, at the exchequer any number of new exchequer bills for any sum or sums of money, not exceeding in the whole the said sum of one million two hundred thousand pounds, together with such loans as aforesaid, in the same or like manner, form, or order, and according to the same or like rules and directions, as in and by a certain act of parliament for continuing the duties upon malt, munn, cyder, and perry, for the service of the year one thousand seven hundred and forty, are enacted and prescribed concerning the exchequer bills to be made in pursuance of the said act.

Treasury may
raise the said
sum by issuing
out new ex-
chequer bills.

X. And be it further enacted by the authority aforesaid, That all and every the clauses, provisos, powers, privileges, advantages, penalties, forfeitures, and disabilities contained in the said last-mentioned act relating to the loans or exchequer bills authorized to be made by the same act (except such clauses as do charge the same on the duties or impositions granted or continued by the same act) shall be applied and extended to the exchequer bills to be made in pursuance of this act, as fully and effectually to all intents and purposes as if the said exchequer bills had been originally authorized by the said last-mentioned act, or as if the said several clauses or provisos had been parti-

Clauses of the
malt act 1740,
relating to ex-
chequer bills,
to extend to
those of this
act.

The said bills
charged on
the Sinking
Fund.

cularly repeated and re-enacted in the body of this present act.

XI. And be it enacted by the authority aforesaid, That all the exchequer bills as shall be made in pursuance of this act, and the interest, premium, rate, and charges incident to, or attending the same, shall be and are hereby charged and chargeable upon and shall be repaid and born by or out of the growing produce of the said surplusses, excesses, and overplus monies commonly called *The Sinking Fund* (except such monies of the said sinking fund as are appropriated to any particular use or uses by any former or other act or acts of parliament in that behalf) and such monies of the said sinking fund shall and may be issued and applied, as fast as the same can be regularly stated and ascertained, for or towards paying off, cancelling, and discharging such exchequer bills, interest, premium, rate, or charges, until the whole of them shall be paid off, cancelled, and discharged, or money sufficient for that purpose be reserved and kept in the exchequer, to be payable on demand to the respective proprietors thereof.

Application of
the supplies.

XII. Provided always, and be it further enacted by the authority aforesaid, That all the monies coming into the exchequer, either by loans or exchequer bills, upon one act of this session of parliament, intituled, *An act for continuing the duties upon malt, mum, cyder, and perry, in that part of Great Britain called England, and for granting to his Majesty certain duties upon malt, mum, cyder, and perry, in that part of Great Britain called Scotland, for the service of the year one thousand seven hundred and forty, and so much money (if any such be) of the duties thereby granted and continued, as shall arise or remain after all the loans or exchequer bills made, or to be made on the same act, and all the interest, premium, or rate and charges thereon, and the charges thereby allowable for raising the said duties, shall be satisfied, or money sufficient shall be reserved in the exchequer to discharge the same; and all the monies coming into the exchequer, either by loans or exchequer bills, upon one other act of this session of parliament, intituled, *An act for granting an aid to his Majesty by a land-tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and forty, and so much money (if any such be) of the tax thereby granted, as shall arise or remain, after all the loans or exchequer bills made or to be made on the same act, and all the interest, premium, or rate and charges thereon, and the charges thereby allowable for raising the said laid land tax, shall be satisfied, or money sufficient shall be reserved in the exchequer to discharge the same; and also the sum of eighty eight thousand seven hundred twenty two pounds, seven shillings, and ten pence farthing, granted for the service of the year one thousand seven hundred and thirty nine, but not applied for the service of that year; and the sum of twenty one thousand pounds, one shilling, and eight pence halfpenny, remaining in the receipt of his Majesty's exchequer, arisen by sale of the lands in the island of Saint Christopher's; and the sum of one million two hundred thousand pounds by this**

this

this act granted as aforesaid, shall be further appropriated and applied, and are hereby appropriated for and towards the several uses, intents, and purposes herein after expressed, subject nevertheless to such restrictions as are herein after prescribed; that is to say,

XIII. It is hereby enacted and declared, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding two million nineteen thousand seven hundred and four pounds, eight shillings, and three pence, for or towards the naval services herein after more particularly expressed; (that is to say) for or towards defraying the charge of the ordinary of his Majesty's navy, and for half-pay to sea officers, and for or towards victuals, wages, wear and tear of the navy, and the victualling thereof, performed and to be performed, and for or towards sea services in the office of ordnance, performed and to be performed.

XIV. And it is hereby also enacted, That out of all or any the aids or supplies as aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding ten thousand pounds, upon account, for or towards the support of the royal hospital at *Greenwich*, and for the better maintenance of the seamen of the said hospital, worn out and become decrepit in the service of their country.

XV. And it is hereby also enacted, that out of all or any the aids or supplies as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding one hundred and forty thousand four hundred thirty four pounds, four shillings and eight pence, for or towards defraying the charge of the office of ordnance for land service performed and to be performed, and for defraying the extraordinary expence of the office of ordnance for land services, not provided for by parliament.

XVI. And it is also hereby enacted, That out of all or any the aids or supplies as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding ninety four thousand five hundred fifty four pounds, eighteen shillings, which with the sum of twenty three thousand six hundred fifty nine pounds, three shillings, issued out of the sum of five hundred thousand pounds charged on the sinking fund for the service of the year one thousand seven hundred and thirty nine, amounts to the sum of one hundred eighteen thousand two hundred and fourteen pounds, one shilling, for raising and defraying the charge of maintaining six regiments of marines, consisting of four thousand eight hundred and ninety men, commission and non-commission officers included, for fourteen months from the twenty fifth day of *October*, one thousand seven hundred and thirty nine, to the twenty fourth day of *December* one thousand seven hundred and forty, both days inclusive; and any sum or sums of money not exceeding thirty three thousand four hundred twenty nine pounds, for raising and maintaining two thousand and forty men, officers included, to be added to the six

regiments of marines for the year one thousand seven hundred and forty.

2,210,095l. 4s.
3d. 3 far-
things, for
land forces,
i. e.

XVII. And it is hereby likewise enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding one million two hundred ten thousand and ninety five pounds, four shillings, and three pence three farthings, for or towards maintaining his Majesty's land forces, and other services herein after more particularly expressed; that is to say, any sum or sums of money not exceeding eight hundred sixty thousand

260,150l. 10s.
4d. halfpen-
ny, for guards
and garrisons.

one hundred and fifty pounds, ten shillings, and four pence halfpenny, for defraying the charge of twenty eight thousand eight hundred fifty two men, commission and non-commission officers included (and also including two thousand one hundred forty one invalids, and eight hundred and fifteen men which the regiment consists of for the service of the highlands) for guards, garrisons, and other his Majesty's land forces in *Great Britain*, *Guernsey*, and *Jersey*, for the year one thousand seven hundred

266,205l. 5s.
1d. halfpenny,
for the plan-
tations.

and forty; and any sum or sums of money not exceeding two hundred sixty six thousand two hundred and three pounds, two shillings, and one penny halfpenny, for maintaining his Majesty's forces and garrisons in the plantations, *Minorca*, and *Gibraltar*, and for provisions for the garrisons at *Annapolis Royal*, *Canso*, *Placentia*, *Gibraltar*, and *Georgia*, for the year one thousand seven hundred and forty; and any sum or sums of money

20,347l. 6s.
to Chelsea
hospital.

not exceeding ten thousand three hundred forty seven pounds, and six shillings, upon account for the out-pensioners of *Chelsea* hospital, for the year one thousand seven hundred and forty; and any sum or sums of money not exceeding nine thousand

9477l. 13s. 1d.
3 farthings,
for extraordi-
nary expences.

four hundred seventy seven pounds, thirteen shillings, and one penny three farthings, for defraying the several extraordinary expences and services incurred in the year one thousand seven hundred and thirty nine, and not provided for by parliament; and

34,587l. for
half-pay.

any sum or sums of money not exceeding thirty four thousand five hundred eighty seven pounds upon account of half-pay to the reduced officers of his Majesty's land forces and marines, for the year one thousand seven hundred and forty, subject nevertheless to such rules to be observed in the application of the said half-pay, as are herein after prescribed concerning the same; and any sum or sums of money not exceeding twenty two thou-

22,880l. 19s.
1d. for gene-
ral and staff
officers.

sand eight hundred eighty pounds, nineteen shillings, and two pence, for defraying the charge of general and staff-officers for the year one thousand seven hundred and forty; and any sum

24,501. 13s. 6d.
for one com-
pany of inva-
lids.

or sums of money not exceeding two thousand four hundred and fifty pounds, thirteen shillings and six pence, for maintaining one company of invalids, to be forthwith raised; and for making an addition of twenty men to each of the four companies of invalids raised in *November*, one thousand seven hundred and thirty nine, in all to one hundred eighty one men, for the service of the year one thousand seven hundred and forty; and any

sum

sum or sums of money not exceeding three thousand nine hundred ninety eight pounds, for paying of pensions to widows of such reduced officers of his Majesty's land forces and marines, as died upon the establishment of half-pay in *Great Britain*, and who were married to them before the twenty fifth day of *December*, one thousand seven hundred and sixteen, for the year one thousand seven hundred and forty; which said sum of three thousand nine hundred ninety eight pounds, shall be issued to such person or persons, as his Majesty shall, by warrant or warrants under his royal sign manual, direct or appoint to receive the same, to be by him or them paid over to such widows of half-pay officers, or their assigns, according to such establishments, lists, or other directions, and with and subject to such conditions, qualifications, deductions, or other allowances for the same as his Majesty, by such and the like warrant or warrants, shall be graciously pleased to direct and appoint.

XVIII. And it is also hereby enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding five thousand eight hundred sixty five pounds, eighteen shillings, and nine pence, to replace to the sinking fund the like sum paid out of the same, to make good the deficiency of the additional stamp duties at *Christmas*, one thousand seven hundred and thirty eight, pursuant to a clause in an act of parliament passed in the fourth year of his Majesty's reign, for raising one million two hundred thousand pounds by annuities and a lottery for the service of the year one thousand seven hundred and thirty one; and any sum or sums of money not exceeding twenty thousand pounds, to replace to the said sinking fund the like sum paid out of the same to the governor and company of the bank of *England* for one year's interest due on or before the eighth day of *September*, one thousand seven hundred and thirty nine, being after the rate of four pounds *per centum* on the principal sum of five hundred thousand pounds by them lent on the credit of the salt duties towards the supply of the year one thousand seven hundred and thirty five, pursuant to a clause in an act of parliament passed in the eighth year of his Majesty's reign, for granting and continuing the duties upon salt, and upon red and white herrings, for the further term of four years; and any sum or sums of money not exceeding ten thousand pounds, towards the maintenance of the *British* forts and settlements belonging to the royal *African* company of *England*, on the coast of *Africa*; and any sum or sums of money not exceeding four thousand pounds, towards repairing and finishing the collegiate church of *Saint Peter, Westminster*; and there shall and may be issued to the trustees for establishing the colony of *Georgia* in *America*, any sum or sums of money not exceeding four thousand pounds; by them to be applied for the further settling and improving the said colony; and any sum or sums of money, not exceeding fifty eight thousand three hundred thirty three pounds, six shillings, and eight pence, on account of the subsidy payable to the king of *Denmark*, pursuant to the treaty bearing date the third day of

D d 4

March,

1798 l. to reduced officers widows.

286 l. 18s. 9d. for deficiency of the stamp duties.

20,000 l. to replace to the Sinking Fund.

20,000 l. towards maintaining the African forts.

4000 l. to the repairing Westminster Abbey.

4000 l. to the colony of Georgia.

58.333l. 6s.
8d. subsidy to
the king of
Denmark.

200,000l. for
further pro-
secution of the
war.

The aids not
to be misap-
plied.

Rules for the
application of
half-pay.

March, one thousand seven hundred and thirty ~~two~~ for the year one thousand seven hundred and forty.

XIX. And it is hereby also enacted, That out of all or any the aids or supplies as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding two hundred thousand pounds, upon account, towards enabling his Majesty to carry on in the most effectual manner, such measures as his Majesty shall judge necessary in the further prosecution of the just war in which his Majesty is engaged.

XX. And be it enacted, that the said aids or supplies provided as aforesaid shall not be issued or applied to any use, intent, or purpose whatsoever, other than the uses and purposes before mentioned, or for the several deficiencies or other payments directed to be satisfied thereout by any act or acts, or any particular clause or clauses for that purpose contained in any other act or acts of this present session of parliament.

XXI. And as to the said sum of thirty four thousand five hundred eighty seven pounds, by this act appropriated on account of half-pay, as aforesaid; it is hereby enacted and declared by the authority aforesaid, That the rules herein after prescribed shall be duly observed in the application thereof; that is to say, That no person shall have or receive any part of the same, who was a minor, and under the age of sixteen years, at the time when the regiment, troop, or company, in which he served, was reduced; that no person shall have or receive any part of the same, except such persons who did actual service in some regiment, troop, or company; that no person having any other place or employment of profit, civil or military, under his Majesty, shall have or receive any part of the said half-pay; that no chaplain of any garrison or regiment, who has any ecclesiastical benefice in *Great Britain* or *Ireland*, shall have or receive any of the said half-pay; that no person shall have or receive any part of the same, who hath resigned his commission, and has had no commission since; that no part of the same shall be allowed to any person by virtue of any warrant or appointment, except to such persons, who would have been otherwise intitled to the same as reduced officers; and that no part of the same shall be allowed to any of the officers of the five regiments of dragoons, and eight regiments of foot, lately disbanded in *Ireland*, except to such as were lately taken off the establishment of half-pay in *Great Britain*.

XXII. And whereas by an act of parliament made in the twelfth year of his Majesty's reign, intituled, An act for granting to his Majesty the sum of five hundred thousand pounds out of the sinking fund for the service of the year one thousand seven hundred and thirty nine; and for enabling his Majesty to raise the further sum of five hundred thousand pounds out of the growing produce of the said fund; and for the further appropriating the supplies granted in this session of parliament; and for giving time for the payment of duties omitted to be paid for the indentures and contracts of clerks and apprentices; *several*

veral supplies which had been granted to his Majesty, as is therein mentioned, were appropriated to several uses and purposes therein expressed, amongst which, any sum or sums of money not exceeding thirty nine thousand one hundred twenty four pounds, nineteen shillings, and two pence, was appropriated to be paid to the reduced officers of his Majesty's land forces and marines, subject nevertheless to such rules to be observed in the application of the said half-pay, as in and by the aforesaid act were prescribed in that behalf; now it is hereby provided, enacted, and declared by the authority aforesaid, That so much of the said sum of thirty nine thousand one hundred twenty four pounds, nineteen shillings, and two pence, as is or shall be more than sufficient to satisfy the said reduced officers according to the rules by the said act prescribed to be observed in the application thereof, or any part of such overplus, shall or may be disposed of to such officers who are maimed or have lost their limbs in the late wars, or such others as by reason of their long service, or otherwise, his Majesty shall judge to be proper objects of charity, or to the widows or children of such officers, according to such warrant or warrants under his Majesty's royal sign manual, as shall be signed in that behalf; any thing in this act or the said former act to the contrary notwithstanding.

The overplus of last year's half pay, how to be applied.

CAP. XXIV.

An act for amending and enforcing the laws relating to rogues, vagabonds, and other idle and disorderly persons, and for reducing the same into one act of parliament; and also for amending the laws for erecting, providing, and regulating houses of correction. R E P. 17 Geo. 2. c. 5. sect. 34.

CAP. XXV.

An act for the more effectual maintenance and well-keeping of Stanes bridge and Egham causeway, being the highway from London to the west parts of England.

WHEREAS by an act of parliament made in the first year of the reign of King Henry the Eighth, intituled, An act concerning the bridge of Stanes, the chancellor of England for the time being, or the keeper of the King's great seal, and their successors, were authorized and impowered to depute and assign two, three, or four persons of the town and parish of Stanes, to take and receive toll and custom, as before that time had been used to be paid, as well for carts and horses laden with merchandize and other stuff carried over and upon the same bridge, as of barges coming underneath the same bridge, and to employ the said tolls for repairing and making the said bridge, and also the causeway extending from the said town of Stanes to the town of Egham in the county of Surrey, and to render a yearly account thereof to the said chancellor or keeper for the time being, or before such persons as either of them should depute and assign: and whereas by another act made in the thirty ninth year of the reign of Queen Elizabeth, intituled, An act for the better maintenance and well-keeping of Stanes bridge and Egham causeway, being the highway from London unto the west parts of England,

Preamble, relating to Hen. 8. c. 9.

39 Eliz. not printed.

England, it was enacted, That the chancellor of England for the time being, or lord keeper of the great seal, and their successors, should have the deputations and assignment of four men, whereof two to be of the town and parish of Stanes aforesaid, and the other two to be of the town and parish of Egham aforesaid; and the said four to take and receive by themselves, or their sufficient deputy or deputies, the toll and custom as before that time ought or had been used to be paid, and to employ the same upon the reparation and making of the said bridge and causeway, and thereof yearly to yield account to the said chancellor or keeper of the great seal for the time being, or before such persons as he should depute and assign, between the feasts of Saint Michael the Archangel and All Saints; and if by default of the four persons aforesaid, or any of them, in not gathering or not well-employing the said toll, the said bridge and causeway, or either of them, should not be sufficiently kept and maintained, the chancellor or lord keeper of the great seal had power to inflict a penalty upon them, or any of them, in whom such default should be found as aforesaid, not exceeding ten pounds, the same to be levied by distress by such person or persons as should be nominated by the said chancellor or keeper of the great seal, and to be employed for maintaining the said bridge and causeway: and whereas the tolls and duties arising by virtue of the said acts, after deduction of taxes and assessments, do not amount to above forty five pounds per annum one year with another at an average, which sum is greatly insufficient to keep up, support, and maintain the said bridge and causeway; by reason whereof the said bridge, or great part thereof, hath been for some time past and now is in a ruinous and dangerous condition, and the said causeway is fallen to such decay, that unless speedily repaired, it will be in great danger of being broken through by high floods in the river Thames, whereby not only a great tract of many thousand acres of land will be liable to be overflowed, and several towns and villages greatly damaged, but also the course and navigation of the river Thames may be obstructed and diverted, and the road from Stanes to Egham aforesaid, being part of the great western road, rendered impassable: and whereas the bridge-masters, or persons deputed by the chancellor or lord keeper of the great seal as aforesaid, in order to provide money for the repair of the said bridge and causeway, have frequently kept up a ferry there at an exorbitant rate, to convey passengers over the river Thames, to the great inconvenience and oppression of all persons travelling that way, &c.

C A P. XXVI.

An act to revive, explain, and amend an act made in the sixteenth and seventeenth years of the reign of his late majesty King Charles the Second, intituled, An act for making the river of Medway navigable, in the counties of Kent and Suffex.

Preamble, reciting the act 16 & 17 Car. 2. not printed.

WHEREAS an act of parliament was made in the sixteenth and seventeenth years of the reign of his late majesty King Charles the Second, intituled, An act for making the river of Medway

Medway navigable, in the counties of Kent and Suffex; whereby, after reciting, that making the river Medway, and all other rivers, streams, and watercourses falling thereinto, in the counties of Kent and Suffex, navigable, had been upon view found to be feasible, and would be of great use for the better and more easy and speedy portage of iron ordnance, balls, timber, and other materials, in places adjacent, made, forged, and provided for his Majesty's service, at all times, and more especially at such times and seasons in the year as the same could not otherwise be brought out of those parts and would be advantageous to the inhabitants, and all others concerned, as well for carriage of the commodities aforesaid, as of wood, corn, and grain, bay, hops, wool, leather, and all other provisions, growing and accruing from thence; as also of coals, lime, stone wares, and all other necessities and commodities to be carried thither, whereby commerce and trade would be much increased, and the publick weal advanced: It was therefore enacted, That it should and might be lawful for certain persons therein named, to make the said river, and streams running thereinto, navigable, in such manner as by the said act is limited and directed; and commissioners were also therein appointed, with power to adjudge and determine proper satisfaction to all person and persons, bodies politick and corporate, for any loss or damage to be by them sustained, by cutting, digging, or otherwise dammifying their lands and tenements, in making the said river and streams navigable, with a power to appoint new commissioners in the stead of those dying or refusing to act: and whereas the powers by the said act created, were never yet carried into execution; and the several persons authorized thereby to make the said river and streams navigable, and the several commissioners therein named and appointed, are all since dead, without any proper successors appointed in their stead in manner as by the said act is directed: and whereas the making the said river and streams navigable at this time is likely to be of great utility to the publick, by reason that great quantities of timber growing on the woods of Kent and Suffex, through which the said river and streams run, and which is allowed to be the best in this kingdom for the use of his Majesty's navy, cannot be conveyed to any market, but at a very large expence, by reason of the badness of the roads in those parts: and whereas divers persons herein after named, and many others, are desirous to become undertakers for making the said river of Medway and streams navigable, and have agreed to raise amongst themselves a sum of money sufficient for that purpose; may it please your most excellent Majesty that it may be enacted, &c.

Proprietors power. If proprietors or others do not like commissioners decree, commissioners to issue warrants to sheriffs or coroners of Kent or Suffex to impanel and return a jury, to appear before the commissioners, to assess damages; and commissioners to give judgment. Verdicts, &c. to be recorded by the clerk of the peace for Kent or Suffex. Proprietors always liable to pay damages to the land owners, &c. by verdict of a jury before the commissioners. Proprietors may raise money amongst themselves to carry on their work, not exceeding 30,000 l. The money raised, to be divided into 300 shares. No person to have above 10 shares. Subscribers not answering all the calls, shall lose what they have paid. Subscribers to have a vote for every share, by themselves or proxies. Books of

of accounts to be kept at Tunbridge in a chest, and the key kept by the committee. Proprietors may employ boats, &c. to carry goods on the river, and take toll of others. No toll to be paid till the river is navigable for boats carrying 40 tons. Boats not carrying goods or passengers, to pass toll-free. The navigation of the river Medway not subject to the commissioners for sewers.

CAP. XXVII.

An act for prohibiting commerce with Spain. EXP.

Preamble.

WHEREAS his Majesty hath been called on by the repeated insults, depredations, and cruelties of the Spaniards, to make use of the power which God hath given him, for vindicating the honour and dignity of his crown, and for securing to his subjects the undoubted rights and privileges of navigation and commerce to which they are justly intitled; and in order thereunto his Majesty upon just and honourable grounds hath thought fit to declare war with Spain; and it being highly requisite and necessary to prohibit and restrain all commerce between his Majesty's subjects and those of Spain in Europe, and to enforce such prohibitions and restrictions by severe penalties; be it therefore enacted, &c.

No goods to be imported from Old Spain, during the war, on penalty of forfeiting ship and goods, and treble the value. Except what are lodged at Minorca or Gibraltar, before 1 May, 1740, and brought home on British bottoms before 24 June, 1740.

Privateers taking ships by collusion, the privateer and prize both forfeited.

III. And to prevent collusive, fraudulent, or clandestine captures by privateers; be it enacted by the authority aforesaid, That if any privateer or privateers shall by consent, or clandestinely, or by collusion, seize or take any ship or vessel whatsoever; upon due proof thereof to be made in the court of admiralty, the bail or recognizance given in the said court by or on the behalf of such privateer at the taking out of his commission shall be pronounced and declared by the said court to be forfeited, and the privateer ship itself, with all her appurtenances, guns, tackle, ammunition, and goods on board, as also the merchant ship or vessel that shall be so taken, with her appurtenances and lading, upon proof as aforesaid, shall be condemned as good and lawful prize; and after condemnation and sale thereof the person or persons discovering and prosecuting the same shall have one third part of the net produce for his or their encouragement.

The King by proclamation may take off the prohibition. Claimant to give 100 l. security to answer costs of prosecution.

CAP.

C A P. XXVIII.

An act for continuing the several laws therein mentioned; relating to the premiums upon the importation of masts, yards and bowsprits, tar, pitch and turpentine; to British made sail cloth, and the duties payable on foreign sail cloth; to the Greenland and to the whale fishery: for granting a further bounty for all ships employed in the whale fishery during the present war: for exempting harponeers, and others employed in the Greenland fishery trade, from being impressed; and for giving further time for the payment of duties omitted to be paid for the indentures and contracts of clerks and apprentices.

WHEREAS the laws herein after mentioned are found to be Preamble.
 very useful and beneficial to the publick, are so near expiring that it is fit they should now be continued; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same; That so much of an act made in the second year of the reign of his present Majesty, intituled, *An act for the better preservation of his Majesty's woods in America, and for the encourage- Aft 2. Geo. 2.
 ment of the importation of naval stores from thence; and to encourage c. 35. for im-
 the importation of masts, yards and bowsprits from that part of Great portation of
 Britain called Scotland; as relates to the premiums upon masts, naval stores,*
 yards and bowsprits, tar, pitch and turpentine, which was made to be in force from the twenty ninth day of September, one thousand seven hundred and twenty nine, for the space of thirteen years, and to the end of the then next session of parliament, shall be, and the same is hereby continued from the time therein limited for the expiration thereof, unto the twenty fifth day of continued to
 25 Dec. 1750.
 25 Geo. 2.
 c. 35.
 December, one thousand seven hundred and fifty, and from thence to the end of the then next session of parliament.

II. And be it further enacted by the authority aforesaid, That an Aft 9 Geo. 2.
 act made in the ninth year of the reign of his present Majesty, intituled, *An act for further encouraging and regulating the manufac- c. 37. for en-
 ture of British sail cloth, and for the more effectual securing the duties couraging Bri-
 now payable on foreign sail cloth imported into this kingdom; which tish sail cloth,*
 was to be in force from the twenty fourth day of June, one thousand seven hundred and thirty six, for the space of five years, and to the end of the then next session of parliament, shall be and the same is hereby continued from the time therein continued to
 25 Dec. 1750.
 24 Geo. 2.
 c. 52.
 limited for the expiration thereof, unto the twenty fifth day of December, one thousand seven hundred and fifty, and from thence to the end of the then next session of parliament.

III. And be it further enacted by the authority aforesaid, 22 Geo. 2.
 That an act made in the fifth year of his present Majesty's reign, c. 45.
 intituled, *An act for encouraging the Greenland fishery, which was*

Act 5 Geo. 2.
c. 28. for en-
couraging the
Greenland
fishery,
continued to
25 Dec. 1750.

Act 6 Geo. 2.
c. 33. for en-
couraging the
whale fishery,
continued to
25 Dec. 1750.
22 Geo. 2.
c. 43.

to be in force for nine years, from the twenty fifth day of *December*, one thousand seven hundred and thirty one; shall be; and the same is hereby continued from the time therein limited for the expiration thereof, unto the twenty fifth day of *December*, one thousand seven hundred and fifty, and from thence to the end of the then next session of parliament.

IV. And be it further enacted by the authority aforesaid, That an act made in the sixth year of his present Majesty's reign, intituled, *An act for the further encouragement of the whale fishery, carried on by his Majesty's British subjects*, which was to be in force during the continuance of the last mentioned act of the fifth year of his Majesty's reign, intituled, *An act for encouraging the Greenland fishery*, shall be, and the same is hereby continued from the time therein limited for the expiration thereof, unto the twenty fifth day of *December*, one thousand seven hundred and fifty, and from thence to the end of the then next session of parliament.

V. And be it further enacted by the authority aforesaid, That over and above the allowance of twenty shillings a ton, according to the admeasurement of the ship, by the said last mentioned act directed to be paid, it shall and may be lawful for the respective commissioners of the customs in *Great Britain*, during the present war and no longer (upon having such schedule, certificate, licence and oath transmitted to them by the collector and comptroller of the port from whence such ship shall depart; as by the said last mentioned act is directed; and upon such commissioners being satisfied of the faithful dealings of the master and other persons employed in such ship, with respect to such voyage and fishery) on demand to cause payment to be made to the master or owners, or to his or their assigns, by the receiver general of the customs in that part of *Great Britain* from whence such ship shall depart, of the sum of ten shillings a ton, according to the admeasurement of the ship, over and above the sum of twenty shillings a ton by the last mentioned act granted for the encouragement of the whale fishery in the *Greenland* seas, or *Davis's Straights*, and the adjacent seas, carried on by his Majesty's *British* subjects, in such manner, and at such time or times as the said allowance of twenty shillings a ton by the said last mentioned act is directed to be paid: And where- as the *Greenland* fishery trade cannot be carried on without men who are used to the said fishery; be it therefore enacted by the authority aforesaid, That no harpooner, line-manager, boat-steerer, or seaman, who shall be in, or belonging to any ship or vessel in the *Greenland* fishery trade, shall be impressed from the said service, and that any such harpooner, line-manager, boat-steerer, or seaman, may, during the time of the year that he or they are not employed in the said fishery, sail in the colliery trade, upon giving security to the satisfaction of the commissioners of the customs, that he or they will proceed in the said ship or vessel to *Greenland*, or *Davis's Straights*, on the whale fishery the next season.

Additional
bounty of 10s.
per ton, dur-
ing the war.
27 Geo. 2.
c. 18. sect. 7.

Greenland
fishermen or
sailors not to
be impressed.

VI. And,

VI. And, for the relief of any person or persons, who through neglect or inadvertency have omitted to pay the several rates and duties, or any part thereof, upon monies given, paid, contracted or agreed for, with or in relation to any clerk, apprentice or servant which hath been put or placed to or with any master or mistress to learn any profession, trade or employment; and to have such indentures or other writings which shall contain the covenants, articles, contracts or agreements relating to the service of such clerk, apprentice or servant stamped, within the times by the several acts of parliament for those purposes respectively limited; or, who have also in like manner omitted to insert and write in words at length in such indentures or other writings as aforesaid, the full sum or sums of money or any part thereof received, or in any wise directly or indirectly given, paid, agreed or contracted for, with or in relation to every such clerk, apprentice or servant as aforesaid; be it enacted by the authority aforesaid, That upon payment of the rates and duties upon monies, or such part of such monies so neglected or omitted to be paid as aforesaid, on or before the first day of *August*, one thousand seven hundred and forty, to such person or persons to whom the same ought to be paid, and tendering the said indentures or other writings to be stamped at the same time, or at any time on or before the twenty ninth day of *September*, one thousand seven hundred and forty, (of which timely notice is to be given in the *London Gazette*) the same indentures or other writings shall be good and available in law or equity, and may be given in evidence in any court whatsoever; and the clerk, apprentice or servant therein named, shall be capable of following and exercising their respective intended trades or employments, as fully as if the said rates and duties so omitted had been duly paid, and the full sum or sums received or agreed for as aforesaid had been inserted; and the persons who have incurred any penalties by the omissions aforesaid, shall be acquitted and discharged of and from the said penalty; any thing in this or the said former acts to the contrary in any wise notwithstanding.

Time enlarged for paying duties for clerks and apprentices, and stamping their indentures, &c.

C A P. XXIX.

An act for confirming and enlarging the powers granted by his Majesty to the governors and guardians of the hospital for the maintenance and education of exposed and deserted young children, by his most gracious charter, bearing date the seventeenth day of October, in the year of our Lord one thousand seven hundred and thirty nine, and to enable them to execute the good purposes of the said charter.

WHEREAS his Majesty, in compassion to the numbers of poor infants who are liable to be exposed to perish in the streets, or be murdered by their indigent and inhuman parents, has been most graciously pleased, by his royal charter under the great seal of Great Britain, to create and establish a corporation or body politic, by the name of The governors and guardians of the hospital for the main-

maintenance and education of exposed and deserted young children; which corporation is by the said charter declared to have perpetual succession, and impowered to take, hold, purchase, receive and possess lands, tenements and hereditaments, to the value of four thousand pounds a year, and goods, chattels and personal estate of what nature and value soever; and to purchase or erect an hospital for the support, maintenance and education of exposed and deserted young children; and to hold courts, to make by-laws, and to elect governors and officers, and to do other acts for the purposes of the said charter: and whereas great sums of money have been given by the governors of the said hospital, and other persons, to be applied to the charitable uses before mentioned: and whereas by reason of the laws now in force for the relief of the poor many difficulties may arise in carrying into execution the good intents of the said charter, and that the granting other and further powers to the said corporation is requisite, effectually to answer the purposes aforesaid; may it please your Majesty that it may be enacted, &c.

Hospital may purchase lands, &c. not exceeding 4000 l. per ann. Taxes on lands, &c. not to be raised above what was paid in 1739; though improved for the use of the corporation. Conveyances to be approved of by the lord chancellor, &c. Corporation to maintain and educate as many children as they think fit. No churchwarden, &c. to hinder any persons bringing their children to the hospital, on penalty of 40 s. No parish officer shall have any authority in the hospital. No settlement by being educated in the hospital. No fees due to any parish for christenings or burials. Corporation to provide minister and burial ground. Children may be lett for hire to work abroad for the use of the hospital. President, &c. to be chosen annually. On death of president, &c. others to be chosen. Governors may remove officers and servants at pleasure,

C A P. XXX.

An act for further enlarging the term granted by an act of the ninth and tenth years of the reign of King William the Third, For cleansing and making navigable the chanel from the Hithe at Colchester to Wivenhoe; and for making the said act, and another act of the fifth year of the reign of his late majesty King George the First, For enlarging the term granted by the said act of the ninth and tenth years of the reign of King William the Third, more effectual.

Preamble reciting the acts 9 & 10 W. 3. c. 19. and 5 Geo. 1. c. 31.

WHEREAS an act passed in the ninth and tenth years of the reign of his late majesty King William the Third, intituled, An act for cleansing and making navigable the chanel from the Hithe at Colchester to Wivenhoe; which act was made to continue from the first day of May, one thousand six hundred and ninety eight, for and during the space of one and twenty years, during which term certain duties were by the said act laid upon such goods, wares and merchandizes, for the purposes aforesaid, as in the said act are mentioned; upon the credit of which act the mayor of Colchester, and the justices of the peace for the east division of the county of Essex, the

commissioners therein appointed, had pursuant to the authority thereby given borrowed monies for the more speedy and effectual compleating of the said work; but the said duties falling short, there had not been sufficient raised thereby, either to perfect the said work, or to pay the whole money borrowed for that purpose; and the sum of one thousand and two hundred pounds, or thereabouts, was in the year one thousand seven hundred and nineteen remaining due to the executor of William Hewer, late of Clapham in the county of Surrey, esquire, upon security of the premises, which could not be repaid, nor the said channel be effectually repaired and amended according to the intent of the said act, unless a further provision was made by parliament, and the said act made more effectual: and whereas by an act passed in the fifth year of the reign of his late majesty King George, intituled, An act for enlarging the time granted by an act of the ninth and tenth years of King William, for cleansing and making navigable the channel from the Hith at Colchester to Wivenhoe, and for making the said act more effectual (reciting as before is recited) it was enacted, That the said former act, and all the powers and authorities thereby given, and all and every the clauses, provisoes, matters and things therein contained, and not thereby altered, should, for raising, levying, collecting, securing of, and accounting for the rates and duties thereby granted or continued, and to that end for levying and recovering the penalties and forfeitures mentioned in the said former act, and for other the purposes of that act, be continued, and be in full force and effect from the first day of May, which should be in the year of our Lord one thousand seven hundred and nineteen (when the said former recited act would expire) until the first day of May, which should be in the year of our Lord one thousand seven hundred and forty, being a further term of twenty one years, as fully and effectually to all intents and purposes, as if the same were particularly and at large repeated and re-enacted in the body of the said last recited act; and it was thereby further enacted, That the duties granted by virtue of the said last recited act should be one moiety or half part of the duties granted by the said former act, and no more, and all corn or grain whatsoever should be wholly exempted: and whereas since the passing the said last recited act the money due to the executor of William Hewer has been paid, and the commissioners have erected a very large lock on the said channel, which has been found by experience to be of very great use and service to the navigation thereof, and forasmuch as the maintenance and reparation of the said lock will be a continual expence, and the term in the said last recited act will expire the first day of May, one thousand seven hundred and forty, and the lock after that time cannot be supported, and the channel be kept cleansed and fit for navigation, unless some further provision be made by parliament for the same, and a power be given to the commissioners to lend on mortgage, or lay out in the purchase of lands or otherwise, the sum of eleven hundred pounds or thereabouts, which on the expiration of the said last recited act, after the charge of passing this present act is paid, will be in the receiver general's hand, or then due and in arrear from persons that ought to have paid the same: may it therefore please your most excellent Majesty that it may be enacted, &c.

The two recited acts made perpetual. Duty of 3d. a chalden on coal. No strangers may open the lock. Money raised, shall be disposed of by the commissioners.

Anno decimo quarto GEORGII II. Regis.

AT the parliament begun and holden at Westminster, the fourteenth day of January, Anno Dom. 1734, in the eighth year of the reign of our sovereign lord George the Second, by the grace of God, of Great Britain, France, and Ireland, King, defender of the faith, &c. And from thence continued by several prorogations to the eighteenth day of November, 1740, (a) being the seventh session of this present parliament.

^a Tent. xiv.
die Novem-
bris, &c. con-
tinuat. usque ad
et in Lunæ,
xvii^{um} diem
Aprilis, &c.
In recordo.

CAP. I.

An act for granting an aid to his Majesty by a land tax to be raised in Great Britain, for the service of the year one thousand seven hundred and forty one. Exp. 4s. in the Pound.

CAP. II.

An act for continuing the duties upon malt, mum, cyder, and perry, in that part of Great Britain called England; and for granting to his Majesty certain duties upon malt, mum, cyder, and perry, in that part of Great Britain called Scotland; for the service of the year one thousand seven hundred and forty one. Exp.

CAP. III.

An act to prohibit, for a time therein limited, the exportation of corn, grain, (rice excepted) meal, malt, flour, bread, biscuit, starch, beef, pork, and bacon. EXP.

Preamble.

WHEREAS the exportation of any sort of corn or grain (rice excepted) meal, malt, flour, bread, biscuit, starch, beef, pork, or bacon, out of this kingdom of Great Britain, or from Ireland, or any of his Majesty's colonies or plantations in America, or other the dominions belonging to the crown of Great Britain in Europe, may at this time be greatly prejudicial to his Majesty's subjects; be it therefore enacted, &c.

Corn, &c. not to be exported before 25 Dec. 1741. Rice excepted. Officers of the customs impowered to seize, and bring the goods to the King's warehouses. Corn, &c. may be carried coastwise, or to any of his Majesty's plantations. India company may supply their settlements. Wheat, &c. may be sent from the port of Southampton, to the isles of Jersey and Guernsey. Jamaica may transport to the bays of Honduras and Campeachy. To give account in parliament. Malt declared to be made for exportation, before 6 Dec. 1740, to be allowed. His Majesty may grant power to export the said commodities. When certificates of landing corn &c. shall be returned. 15 Geo 2. c. 35.

CAP.

CAP. IV.

An act to impower Joseph Porter, James Bourdieu, and Abraham Desbarrette, to import a certain quantity of raw silk of the growth of Spain from Leghorn.

CAP. V.

An act for making the chapelry of Nether Knutsford, in the parish of Rosthern, and county of Chester, a separate and distinct parish, and for erecting a parish church therein, endowing the same, settling the right of presentation thereto, and other purposes.

CAP. VI.

An act to render the laws more effectual for preventing the stealing and destroying of sheep, and other cattle.

WHEREAS divers evil-disposed persons have of late more generally and frequently than was ever known before, made it their practices secretly in the night-time to drive away and steal great numbers of sheep, and likewise secretly in the night-time to kill great numbers of sheep, and to strip off their skins, and then steal the carcases of the sheep so killed, leaving their skins behind to prevent discoveries, and also in like manner to kill great numbers of sheep, and then cut open the sheep so killed, and take out and steal their inward fat, leaving their carcases behind to prevent being discovered; by which wicked practices many of his Majesty's good subjects have been very greatly injured in their properties, and put to very great charges in having their sheep and other cattle watched: and whereas the laws in being have not proved effectual to prevent the increase of the said wicked practices; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if any person or persons shall, at any time, from and after the first day of May, in the year of our Lord one thousand seven hundred and forty one, feloniously drive away, or in any other manner feloniously steal, one or more sheep or other cattle of any other person or persons whatsoever, or shall wilfully kill one or more sheep or other cattle of any other person or persons whatsoever, with a felonious intent to steal the whole carcase or carcases, or any part or parts of the carcase or carcases of any one or more sheep or other cattle that shall be so killed, or shall assist or aid any person or persons to commit any such offence or offences; that then the person or persons guilty of any such offence, being thereof convicted in due form of law, shall be adjudged guilty of felony, and shall suffer death as in cases of felony, without benefit of clergy.

Sheep-stealing or stealing any part of them, made felony, without benefit of clergy.

Explained by 15 Geo. 2. c. 34.

II. And for the encouragement of such persons as shall vigorously endeavour to discover, apprehend and prosecute such offenders as aforesaid; be it further enacted by the authority aforesaid, That from and after the first day of May, one thousand seven hundred and forty one, all and every person and persons, who shall apprehend and prosecute to conviction, any offender or offenders guilty of any of the offences herein before

Reward for taking and convicting sheep-stealers.

mentioned, shall have and receive, as a reward upon every such conviction, the sum of ten pounds, to be paid within one month after such respective conviction, by the sheriff or sheriffs of the county where such offence or offences shall be committed and done (without any deduction whatsoever) to the person or persons so apprehending and prosecuting such offender or offenders, he or they tendering a certificate to the sheriff or sheriffs, signed by the judge or judges, before whom any such offender shall be convicted, certifying such conviction, and where the offence was committed, and that such offender or offenders was or were apprehended and prosecuted by the person or persons claiming the said reward ; which certificate the said judge or judges are hereby authorized and required to sign accordingly, before the end of the same sessions or assizes, at which such respective conviction shall happen to be ; and in such certificate shall direct and appoint (in case more than one person shall claim a right to the said reward) what share and proportion thereof shall be paid to each claimant ; and if it shall happen that any such sheriff or sheriffs shall die or be removed before the expiration of one month after such conviction, and demand made of the said reward (the same not being paid as aforesaid) that then the next succeeding sheriff or sheriffs shall pay the same within one month after demand, and certificate brought, as aforesaid ; and if default of payment of the said sum or sums of money shall happen to be made by any sheriff or sheriffs, such sheriff or sheriffs so making default shall forfeit to the person or persons, to whom such money is due as aforesaid, double the sum or sums of money he or they ought to have paid, to be recovered by him or them, or his or their executors or administrators, in any of his Majesty's courts of record at *Westminster*, by action of debt, bill, plaint, or information, wherein but one imparlance, and no essoin, protection, or wager of law, shall be allowed, with treble costs of suit, by him or them expended in the recovery of the same.

Sheriff on default of payment, to forfeit double the sum.

Treble costs.

III. And be it further enacted by the authority aforesaid, That all sheriffs, their executors and administrators, upon producing such respective certificates, and the receipts for the monies paid by them in pursuance of this act, shall be allowed, and are hereby empowered to deduct, upon their accounts, all monies, other than double the sum or sums of money, and treble costs of suit, which they shall disburse as aforesaid ; and that if upon account of any sheriff or sheriffs there shall not be money sufficient in the hands of such sheriff or sheriffs, to reimburse him or them such monies paid by him or them by virtue of this act, that then the sheriff or sheriffs, having so paid the said monies, shall have the same repaid by the lord treasurer or commissioners of his Majesty's treasury for the time being, out of the revenue of the crown, upon certificate from the clerk of the pipe to that effect.

Sheriffs how to be repaid.

CAP. VII.

An act for licensing the importation of victual from Ireland, and other parts beyond the seas, into Scotland, in time of dearth and scarcity.

WHEREAS by the ninth act passed in the parliament of Scotland, holden by her late majesty Queen Anne, in the year one thousand seven hundred and three, intituled, *An act discharging importation of Irish victual, beef, and cattle, the importation of victual from Ireland or any other places beyond the seas into Scotland, and the buying, selling, and retailing the same, were restrained and prohibited under several penalties mentioned and contained in the said act, and in several former acts of the parliament of Scotland therein mentioned and referred to, and thereby ratified and approved, with this proviso, that when by reason of dearth the prices of victual should exceed the following rates, viz. Wheat twelve pounds the bole, bear, barley, malt, and meal, eight pounds per bole, and oats and peas, six pounds the bole; the lords of her Majesty's privy council should have power, after due trial by them taken, to suspend and discharge the execution of the said prohibitory acts for such space and time as the exigence of the said dearth shall require, and no longer: and whereas by the sixth article of the treaty of union it is stipulated, agreed, and provided, That the prohibition as then in force by the law of Scotland against importation of victual from Ireland, or any other place beyond sea into Scotland, should after the union remain in the same force as it then was, until more proper and effectual ways should be provided by the parliament of Great Britain, for discouraging the importation of the said victual from beyond the sea: and whereas by an act made and passed in the first parliament of Great Britain, in the sixth year of the reign of her said late majesty Queen Anne, intituled, *An act for rendering the union of the two kingdoms more intimate and compleat; it was enacted, That from and after the first day of May, in the year of our Lord one thousand seven hundred and eight, the Queen's majesty, her heirs, and successors, shall have but one privy council in or for the kingdom of Great Britain, to be sworn to her Majesty, her heirs, and successors, as sovereigns of Great Britain, and that such privy council should have the same powers and authorities, as the privy council of England lawfully had, used, and exercised at the time of the union, and no other; by means whereof the power of suspending the said laws prohibiting the importation of victual into Scotland, cannot in any time of dearth and scarcity, or on any other exigency, be exercised and put in execution, which may be of dangerous and pernicious consequence to his Majesty's subjects of that part of Great Britain: Wherefore, for preventing and providing against the same, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the power of suspending and discharging the execution of the said prohibitory laws, which in and by the said act of her late majesty**

Preamble.
Power of suspending prohibitory laws, to be vested in

the judges of
the several
courts in
Scotland.

jesty Queen *Anne*, passed in the year one thousand seven hundred and three, in the parliament of *Scotland*, was vested in the lords of the privy council, shall, from and after the twenty fifth day of *March*, one thousand seven hundred and forty one, be vested in, and the same is hereby from thenceforth vested in the judges of the courts of session, justiciary, and exchequer, in *Scotland*, in manner following; and any nine of the said judges in time of session, and any five of them in the time of vacance, shall and may, and they are hereby respectively authorized and required to exercise and execute the said power of suspension, in as full, ample, and extensive manner, as the lords of the privy council of *Scotland* might or could have exercised and executed the same, before the said act of the sixth of Queen *Anne*, for rendering the union of the two kingdoms more compleat, subject nevertheless to the rules and directions of this present act: and for the ascertaining and determining the prices of victual, in order to authorize and warrant the suspension of the said prohibitory laws, according to the tenor and intention of the said acts of the parliament of *Scotland*, containing such proviso for suspension; be it enacted by the authority aforesaid, That from and after the said twenty fifth day of *March*, one thousand seven hundred and forty one, in any time of scarcity and dearth, it shall and may be lawful for any person or persons desirous to import victual from *Ireland*, or other parts beyond the seas, into *Scotland*, to apply by a summary petition, to the judges of the court of session, for licence to import such victual from *Ireland*, or other parts beyond the seas, into *Scotland*; and the said judges are hereby authorized and required immediately, upon such petition to make intimation thereof, by transmitting a fair copy of the same, to the clerk of the peace for every sherrifdom or stewartry of *Scotland*, and to assign and appoint a time not exceeding fifteen days from the time of such application, for hearing and examining the proofs and evidence herein, after directed to be had and taken, concerning the premisses; and in case such application shall be made in time of vacance, then it shall and may be lawful to and for such person or persons to apply, during such vacance, by a summary petition to the judge of the court of session who shall sit upon the bills, for such licence for importation as aforesaid, who is hereby authorized and required, upon such petition, to make intimation as aforesaid, and to assign and appoint a time, not exceeding twenty days from the time of such application, for hearing and examining the proofs and evidence concerning the premisses, and to signify to the other judges of the said respective courts the tenor and purport of such application, and the time appointed for such hearing and examination thereupon as aforesaid; and the said judges, or any nine of them in time of session, and any five of them in time of vacance respectively, are hereby authorized and required to summon and convene before them within the session court-house at *Edinburgh* on the day to be assigned and appointed, two or more honest and substantial persons of the county of *Edinburgh*, not being

corn

corn merchants nor factors for corn, nor any way interested or concerned in any corn to be imported, and who shall each of them have and be in possession of a land estate of four hundred pounds *Scots per annum* of valued rent, and being skilful in the price of corn, and then and there upon the oaths of such two or more persons (and which oath the said judges, or any five of them, are hereby impowered to administer) and by such other ways and means as to them shall seem proper and necessary, to examine, enquire into, and determine the common market prices of middling corn and grain, and oatmeal, of the respective sorts and kinds above-mentioned, as the same shall and may be commonly bought in the said county and city of *Edinburgh*, and to fix and ascertain the same by a proper act or determination, to be subscribed under the hand of one of the principal clerks of session, an authentick copy of which judgment and determination shall be transmitted from the said judges to the chief officer or collector of the customs at the port of *Leith* for the time being, and shall be by such chief officer or collector kept or hung up in the custom-house at *Leith*, and there be patent to all and every person and persons who shall desire to inspect the same, and shall and may be seen and inspected accordingly without fee or reward; and it shall and may be lawful for any person or persons intending to import victual into any part of *Scotland*, or desirous to have such victual imported, or for any justice of peace within any county in *Scotland*, to enquire and demand an authentick extract or exemplification of such act or determination from one of the said principal clerks of session under his hand and seal, paying therefore the price of one shilling, and no more, and to deliver the same extract or exemplification to the collector or chief officer of any port or ports in *Scotland*, to be by him kept, hung up, and made patent as aforesaid; and that such extract or exemplification to be delivered, kept, and hung up by such collector or chief officer in any part of *Scotland*, which shall certify, declare, and ascertain the current prices of victual in the said city and county of *Edinburgh* to exceed the rates and prices following; that is to say, wheat three pounds *Scots*, or five shillings sterling the *Winchester* bushel, consisting of eight *Winchester* gallons; bear and barley one pound seven shillings *Scots*, or two shillings and three pence sterling the *Winchester* bushel; oats one pound *Scots*, or one shilling and eight pence sterling; peas and beans one pound ten shillings *Scots*, or two shillings and six pence sterling the *Winchester* bushel; and oatmeal eight pounds *Scots*, or thirteen shillings and four pence the bole, weighing eight stone *Troys*, shall be a sufficient warrant to the collector and other officers of the several ports in *Scotland*, to allow victual from *Ireland*, or other parts beyond the seas, to be entered, unshipped, and landed, without paying or being charged with any higher duty than is herein after mentioned.

Clerk's fee.

Price of victual.

II. And it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for the same persons, who for the time being are by virtue of this act authorized and

Persons who have power to suspend prohibitory laws, required

have also power to take off such suspension.

required to exercise and execute the said power of suspension as aforesaid, and they are hereby respectively authorized and required, once in every thirty days from the time that such suspension shall have taken effect (so long as there shall be an occasion or necessity for the same) by the ways and means herein before mentioned, directed, and appointed, or any of them, to examine and enquire into and determine the common prices of middling corn and grain of the respective sorts and kinds above-mentioned; and in case upon such enquiry it shall appear and be found, that the eurrent price of victual in the said city and county of *Edinburgh* shall not exceed the rates and prices above-mentioned, upon which the suspension directed and intended by this act is to be founded, then, and in such case, they are hereby authorized and required, by a proper act or instrument to be subscribed as aforesaid, to determine and ascertain the same, and transmit, or cause to be transmitted, authentick extracts or exemplifications of such act or instrument to the chief officer or collector of the customs at the port of *Leith* for the time being, and to the collectors or chief officers of all the other ports of *Scotland*; and which said extracts or exemplifications shall be by such officers respectively kept and hung up in the respective custom-houses or offices to which they respectively belong, and there be patent to all persons who shall desire to inspect the same, and shall and may be seen and inspected accordingly without fee or reward; and such extracts or exemplifications shall be sufficient notice to the collectors and other officers of the several ports in *Scotland*, that the laws prohibiting the importation of victual from *Ireland*, or other parts beyond the seas, are again revived and in force, and an authority for them to stop the entering, unshipping, and landing the same.

Former duties to be continued, and regulated by this act.

22 Car. II.
c. 13.

III. And be it declared and further enacted by the authority aforesaid, That such and the same customs and duties shall be paid for any corn or grain imported by virtue and in pursuance of this act, as are charged and directed to be paid upon foreign corn imported, in and by an act made and passed in the two and twentieth year of the reign of his late majesty King *Charles* the second, intituled, *An act for improvement of tillage, and the breed of cattle*; and the said custom and duty shall be regulated by, and be collected and paid, according to the rates and prices to be settled, ascertained, and determined in pursuance of this act, and not otherwise,

Acts 22 Car. II.
c. 13. and
2 Geo. II. c. 18,
relating to
payment of
duties, to re-
main in force.

IV. And it is hereby further enacted, That all the clauses and provisions contained, as well in the said act of the two and twentieth of King *Charles* the Second, as in an act made in the second year of his present Majesty, intituled, *An act to ascertain the custom payable for corn and grain imported; for better ascertaining the price and quantity of corn and grain, for which a bounty is payable upon exportation; for appropriating the supplies granted in this session of parliament; and for giving time to clerks and apprentices to pay duties omitted to be paid for their indentures and contracts; or in either of them, relating to the payment and recovery of such*

such duties, which are now in force, and unrepealed, shall extend to, take place, and be in force in that part of the united kingdom called *Scotland*; and that all offences there committed against any parts of the said acts above-mentioned, relating to the said duties, shall and may be prosecuted in the court of session, or his Majesty's *Exchequer* at *Edinburgh*.

C A P. VIII.

An act for incorporating the undertakers of the navigation of the river Dee.

WHEREAS by an act of parliament made in the sixth year of his Majesty's reign, intituled, An act to recover and pre-^{6 Geo. 2. c. 30} serve the navigation of the river *Dee*, in the county palatine of *Chester*, reciting, That the sands, soil, and ground, commonly called The White Sands, in the said act mentioned, were of great breadth in some places, and that the said river not being navigable, was chiefly owing to the breadth of the said sands, and to the shifting of the channel from one side thereof to the other, as the winds and tides varied; and also, that the said white sands were not, nor were likely to be, of any benefit to any person, unless the said river was bounded in, and made navigable, by sea walls, banks, and fences, which would require a very great expence, as well to erect as to maintain and repair, from time to time; and that if the said white sands were recovered from the sea, by making walls, banks, and fences, and the channel of the said river *Dee* was confined to one certain course, it would not only effectually make the said river navigable, but vesting the said white sands in the undertakers of the said navigation would be a considerable encouragement to the undertaking; and also reciting, That the making the said river navigable would be a means to advance the trade of the said city of *Chester*, and that great benefit would accrue thereby to the inhabitants thereof, and to the towns and countries adjacent to or near the said river; and it would also encrease the number of seamen and watermen, and promote the publick good of this kingdom; *Nathaniel Kinderley* in the said act named, his heirs and assigns, and such persons as he, his heirs and assigns, should nominate and appoint under his or their hand and seal, should be and were by the said act appointed undertakers of the said navigation, and impowered at their own costs and charges to make and keep the said river *Dee* navigable from the sea to a certain point within the liberty of the said city of *Chester*, called *Wilcox Point*, in such manner that there should be sixteen foot water in every part of the said river at a moderate spring tide, for ships and vessels to come and go to and from the said city; and the said *Nathaniel Kinderley*, his heirs, assigns and nominees, had further powers granted them by the said act as therein mentioned; and as a recompence for the expences which the said undertakers should be at in making the said river navigable, they were by the said act of the sixth year of his present Majesty impowered, so soon as the said river was made navigable as in the said act was expressed, to take and receive such duties and tonnage as in the said act are mentioned; and certain sands, marshes, and salt grass, in the said act mentioned, were there-
upon

upon trusted in the said undertakers to: and for their proper use, under the provisos and conditions in the said act mentioned; and they were by the said act directed to invest ten thousand pounds in South Sea annuities, or other government securities, in the names of Thomas Revel, John Manley, and Benjamin Hoare, esquires, and John Bland banker, to remain as a fund to answer such damages as should arise to the owners of lands, tenements, hereditaments, and fisheries in the said act mentioned, for the space of three years from and after the said navigation should be fully compleated, as in and by the said act of parliament will more fully appear: and whereas the said Nathaniel Kinderley did afterwards by an instrument in writing, dated the ninth day of July one thousand seven hundred and thirty three, duly executed by him under his hand and seal, declare, That his name was made use of in the said act of parliament, in trust for Thomas Watts, and Richard Manley, esquires, and such other persons as they should appoint, to be concerned in the said undertaking to make the said river Dee navigable, according to the terms of the said act; and the said Nathaniel Kinderley did afterwards duly nominate certain persons, being forty in number, to be the undertakers of the said navigation: and by indenture quadrupartite made the ninth day of April, one thousand seven hundred and thirty four, by and between the said Nathaniel Kinderley, of the first part; the said Thomas Watts and Richard Manley, of the second part; Joseph Davis and William Parsons of London, gentlemen, of the third part; and ninety other subscribers to the said indenture, or to the schedule thereof, of the fourth part, and duly executed by all the said parties (thirty six of which subscribers to the said indenture, or to the schedule thereof, were nominees of the said Nathaniel Kinderley, by him so nominated as aforesaid to be undertakers of the said navigation, the four other persons nominated as undertakers not having paid any money to the said undertaking, or subscribed thereto) it was agreed, That the said subscribers should raise a joint stock of forty thousand pounds, in the manner, and on the trusts therein after mentioned; which trusts were, amongst other things, to lay out the ten thousand pounds, to be deposited as a fund to answer the damages before specified; and also to lay out such sums as should be necessary to recover and preserve the navigation of the river Dee, in such manner as in the said act is mentioned; and the residue (if any) of the said forty thousand pounds was to be in trust for the said subscribers, in proportion to the sums by them respectively paid in; and it was by the said indenture farther agreed, that the duties and tonnage, by the said act made payable to, and the sands, soil, ground, marshes, and salt grass thereby vested in the said Nathaniel Kinderley, his heirs, assigns or nominees, should be and remain to and for the use and benefit of the said subscribers to the said indenture, or to the schedule thereto annexed, in proportion to the sums by them respectively paid, and to be paid, in pursuance of the said indenture; and it was by the said indenture agreed, that the said joint stock of forty thousand pounds should be divided into four hundred shares, each consisting of one hundred pounds, and that each of the subscribers should be intitled to so many of the said shares as he should have subscribed and paid in one hundred pounds; and several provisions

sions were by the said indenture made for the management of the said undertaking for recovering and preserving the said navigation, and of the affairs relating thereto, as by the said indenture may more fully appear: and whereas the monies advanced and paid in and upon the said indenture, having been laid out in making the said deposit of ten thousand pounds in South Sea annuities, as in the said act is directed, and for other the purposes in the said indenture mentioned, great progress was thereby made in recovering the said navigation; but the same not being perfected, and it being necessary to raise further monies for that purpose, it was by deed poll, bearing date the seventeenth day of August, one thousand seven hundred and thirty six (and executed by much the greater part both in number and value of the said subscribers to the said indenture) agreed to advance ten per centum more on each of their respective subscriptions to the said indenture, for the purposes in the said indenture expressed concerning the said forty thousand pounds; and afterwards there being a necessity to raise further monies for the perfecting the said navigation, by another deed poll, bearing date the third day of March, one thousand seven hundred and thirty six, and executed likewise by much the greater part in number and value of the said subscribers to the said indenture, it was agreed by the said subscribers to the said deed poll, to advance twenty pounds per centum more on their respective subscriptions to the said indenture, for perfecting the said navigation; and whereas the subscribers to the said indenture, and to the said deeds poll, and undertakers of the said navigation, having raised and paid in forty seven thousand eight hundred and thirty pounds, the same hath been laid out in making the said deposit of the ten thousand pounds by the said act directed, as a fund to answer the damages therein specified, and in cutting and making a new channel for the said river Dee through the adjacent marshes, near ten miles in length, and in making a dam and sluices cross the said old channel of the said river, and deepening and scouring thereof, and turning the said river into the said new channel, and making other works necessary for the recovering and preserving the navigation of the said river, and in charges necessarily attending the said undertaking: and whereas the joint stock of the said undertaking, which was to consist of forty thousand pounds, having been laid out as aforesaid, and proving insufficient to answer the purposes of the said proprietors, it was computed, that the subscribers paying in first ten per centum, and then twenty per centum more on their respective original subscriptions to the said indenture, would raise twelve thousand pounds more; which twelve thousand pounds would be sufficient to answer the said purposes: but by reason of several of the said subscribers to the said indenture, not having subscribed the said deeds poll for the payment of the abovementioned ten and twenty per centum on their original subscriptions to the said indenture, there was but forty seven thousand eight hundred and thirty pounds raised: and whereas the said undertakers, at a general meeting held the eleventh day of December, one thousand seven hundred and forty, did agree, for the more effectual carrying on the said undertaking in the most beneficial manner under the said act, and for preserving and securing the works already made, and inclosing and improving the sands and grounds vest-

ed by the said act in the said undertakers as therein is mentioned, that the said joint stock should consist of and be fifty two thousand pounds, and that the said subscribers should be allowed so much of the said joint stock, as shall be in proportion to the respective sums paid in by each of them, and that what should remain unpaid of the said fifty two thousand pounds stock should be vested in the said company, and that they would endeavour to obtain an act of parliament for uniting and erecting the said undertakers and proprietors of the said navigation of the said river Dee into a company, for the better enabling them to answer the purposes aforesaid, and for the better settling and ascertaining their respective interests in the stock of the said undertaking, in proportion to the monies by them respectively advanced, and to be advanced, as aforesaid, and for the prescribing a certain method and form of assigning their respective interests in a short, easy and effectual manner, for the common good of the said undertaking; and the said undertakers have accordingly applied for such an act to be passed: and whereas it is reasonable and just, that the said undertakers should obtain an act of parliament for the purposes aforesaid; may it therefore please your most excellent Majesty that it may be enacted, &c.

Company may purchase lands. General court to make calls, and by laws. Act 6 Geo. 2. c. 30. to remain in force. Not subject to commissioners of sewers.

C A P. IX.

An act for punishing mutiny and desertion; and for the better payment of the army and their quarters. Exp.

C A P. X.

An act to explain and amend an act made in the third year of the reign of King James the First, intituled, An act for the recovering of small debts, and for the relieving of poor debtors in London.

Preamble.

3 Jac. 1. c. 15.

WHEREAS by an act of parliament made in the third year of the reign of King James the First, intituled, An act for the recovering of small debts, and for the relieving of poor debtors in London; it is (amongst other things) enacted, That every citizen and freeman of the city of London, and every other person and persons inhabiting, or that shall inhabit, within the said city or the liberties thereof, being a tradesman, victualler, or a labouring man, which then had or thereafter should have any debt or debts owing unto him or them, not amounting to forty shillings, by any citizen, or by any other person or persons, being a victualler, tradesman or labouring man, inhabiting, or that should inhabit within the said city, or liberties thereof, should or might cause such debtor or debtors to be warned or summoned by the beadle or officer of the court of requests of the said city of London for the time being, by writing, to be left at the dwelling-house of such debtor or debtors, or by other reasonable warning or notice to be given to such debtor or debtors, to appear before the commissioners of the said court of requests holden in the Guildhall of the said city; and that the said commissioners, or any three

three of them, or more, should have power and authority by virtue of the said act, from time to time, to set down such order or orders between such party or parties plaintiffs, and his or their such debtor or debtors defendants, touching such debts not amounting to the value of forty shillings, in question before them, as they should find to stand with equity and good conscience; all such their order or orders to be registered in a book as they had been accustomed, and as well the party plaintiff, as the debtor or defendant, to observe, perform and keep the same in all points: and whereas since the making the said act divers persons intending to subvert the good and charitable intent of the same, and taking hold of some doubtful and ambiguous words therein, do endeavour to avoid the jurisdiction of the said court, contrary to the meaning of the said act: and whereas the commissioners of the court of requests have been often insulted in the execution of their office, whilst employed solely in the charitable purpose of relieving and assisting their poor and distressed fellow citizens: and whereas by the said recited act, no provision is made for the securing of the persons of the said commissioners from such insults: and whereas in the said recited act there is but one officer, by the name of bedel, or officer, mentioned to attend the execution of all the orders of the said court; and by reason of the increase of the number of the inhabitants of the said city and liberties since the passing the said act, the business of the said office of bedel or officer is so increased, that it is become too heavy and laborious for one person singly to execute and discharge the same agreeably to the intent and meaning of the said act, by which means the poor suitors are deprived of a great part of the benefit intended for them by the said act: for remedy whereof, and to the intent that some more full and ample provision may be made for the benefit of the poor suitors, for whose relief and advantage the said court was originally instituted; may it please your Majesty, that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of June, one thousand seven hundred and forty one, it shall and may be lawful to and for every citizen and freeman of the city of London, and every other person and persons inhabiting, or that shall hereafter inhabit, within the said city or the liberties thereof; and all and every person or persons who do or shall rent or keep any shop, shed, stall or stand, or seek a livelihood in the said city or liberties thereof, which now have or hereafter shall have any debt or debts owing unto him, her or them, not exceeding the sum of forty shillings, by any person or persons whatsoever inhabiting or seeking a livelihood within the said city or liberties thereof, during their respective inhabiting within the said city or liberties thereof, or seeking a livelihood as aforesaid, to cause such debtor or debtors to be warned or summoned by any of the bedels, or officers of the said court of requests for the time being, by writing left at the dwelling-house, lodgings, shop, shed, stall, or stand, or any other place of seeking a livelihood of such debtor or debtors, or by any other reasonable

Debts not exceeding 40 s. to be recovered in the court of requests in London.

ble warning or notice to be given to the said debtor or debtors, to appear before the commissioners of the said court of requests, holden in the *Guildhall* of the said city, and that the said commissioners, or any three of them, or more, shall after such summons as aforesaid have power and authority by virtue of this act, from time to time to set down, or cause to be set down such order or orders, between such party or parties, plaintiff or plaintiffs, and his, her or their debtor or debtors, defendant or defendants, touching such debts not exceeding the said sum of forty shillings in question before them, as they shall find to stand with equity and good conscience, all such order or orders to be registered in a book as they have been accustomed to be; which order or orders so made, as well the party plaintiff as the debtor or defendant shall observe, perform and keep in all points; any thing in any act contained to the contrary thereof in any wise notwithstanding.

Penalty on
persons insult-
ing the court.

II. And, for the more effectual establishing of the said court, and the better enforcing the orders which shall be made by the said commissioners, and that the said commissioners may be free and exempt from any insult or abuses; be it further enacted by the authority aforesaid, That if any person or persons shall from and after the said twenty fourth day of *June*, contemptuously affront, insult or abuse all or any of the commissioners of the said court, during the time of their sitting, that it shall and may be lawful to and for the commissioners then sitting, or any three of them, to certify under their hands and seals the name or names of the person or persons so offending as aforesaid, and the nature of his, her or their offence, to the lord mayor of the said city of *London* for the time being, who is hereby empowered and required to summon, or cause to be summoned, such person or persons so offending as aforesaid, before him, at such time as shall be specified in the said summons; and upon his, her, or their appearance, and the fact alledged being proved upon the oath or oaths of one or more credible witness or witnesses against him, her or them, or in default of his, her or their appearance, then and in every such case the said lord mayor or shall proceed to punish the person or persons so offending as aforesaid, by fine or imprisonment, or both; provided that the fine on any one person do not exceed the sum of twenty shillings, and that the imprisonment be for no longer time than ten days.

How fines
may be re-
covered.

III. And be it further enacted by the authority aforesaid, That upon the non-payment of the said fine or fines so to be imposed or set upon every person convicted of offending as aforesaid, it shall and may be lawful for the said lord mayor to issue a warrant or warrants under his hand and seal, for levying the said fine or fines so imposed on the goods and chattels of every offender, and to cause sale to be made thereof in case they shall not be redeemed in five days, rendering to every such person the overplus (if any there be) upon demand, after deducting the reasonable charges of such distress and sale; which fine or fines, when levied or received by virtue of this act, shall be

be paid over into the hands of the churchwardens or overseers of the poor of the parish, whersin every such offender shall, at the time of such offence committed, inhabit, dwell, or seek a livelihood, towards the support and maintenance of the poor of the said parish.

IV. And be it further enacted by the authority aforesaid, That for the more expeditious, convenient, and beneficial execution of the powers vested in the commissioners of the said court of requests in regard to the benefits accruing to the poor suitors therein, that the number of bedels or officers to attend the said court and be employed in the execution of the orders of the said commissioners, may by the court of lord mayor and aldermen of the city of *London*, from time to time, be enlarged to two bedels or officers, or more not exceeding four, as the increase of the business of the said court of requests shall render it most convenient for the poor suitors therein, according to the discretion of the said court of lord mayor and aldermen.

Number of officers increased.

V. Provided always, That the said former act, and all provisions, powers, clauses, matters, and things therein contained (not hereby altered or otherwise provided for) shall continue and be in full force, and extend to all and every person or persons to whom this present act doth or shall extend.

The former act to remain in force.

VI. And be it further enacted by the authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons for any matter or thing done or to be done in pursuance of this act, or the said recited act, then and in such case the action or suit shall be brought or commenced within six months next after the fact committed, and not afterwards, and shall be laid and brought in the city of *London*, and not elsewhere; and the defendant or defendants in such action or suit to be brought shall and may plead the general issue, and give this; and the said recited act, and the special matter in evidence at any trial to be had thereupon, and if the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or actions, suit or suits, or if upon verdict or demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover double costs, and have such remedy for the same, as any defendant or defendants hath or have in any other cases by law.

Limitation of actions.

General issue.

Double costs.

VII. And be it further enacted by the authority aforesaid, That this act shall be deemed, adjudged, and taken to be a publick act, and be judicially taken notice of as such, by all judges, justices, and other persons whatsoever, without specially pleading the same.

Publick act.

CAP. XI.

An act for supplying the city of Gloucester with fresh water.

WHEREAS the inhabitants of the city of Gloucester suffer many inconveniencies for want of being supplied with a sufficient quantity of good and pure water for their necessary occasions, the present method

method of supplying the said city with water having been found ineffectual: and whereas good and pure water is capable of being conveyed to the said city, from certain fresh springs issuing out of or near to a hill called Matton's Hill, otherwise Robin Hood's Hill, in the manor and parish of Matton, part of the estate of John Selwyn esquire: and whereas the said John Selwyn is willing and consenting that such water should be made use of for the purpose aforesaid; and the mayor, aldermen, and common council of the said city, are desirous to contract and agree with any person or persons willing to undertake such work, with proper restrictions and covenants for the due and effectual completing the same: but as such undertaking cannot be carried on and completed, unless powers necessary for that purpose be given by parliament; May it please your most excellent Majesty that it may be enacted, &c.

Mayor of Gloucester, &c. may contract with any persons to convey water to Gloucester city; and to make reservoirs, conduits, &c. and enter and dig in private grounds to lay pipes, &c. or to repair or alter the same. If any disputes arise, sheriffs may summon a jury to settle the same, and give satisfaction for damages. Undertakers not to dig in private grounds, till they have satisfied the owners. Undertakers to make good the ground, after laying their pipes. Penalty on persons hindering the workmen breaking ground after satisfaction made.

CAP. XII.

An act for enlarging the terms and powers granted by two acts of parliament, *For repairing the roads leading from Seven Oaks to Woodgate and Tunbridge Wells, and from Woodgate to Kipping's Cross in the county of Kent; and also for repairing the roads from Kipping's Cross aforesaid, to Lamberhurst Pound, and Pullen's Hill, in the said county; and to Flimwell Vent in the county of Sussex.*

The former act: 8 Ann, and 11 Geo. I. c. 15. are further continued for 21 years.

CAP. XIII.

An act to enlarge the terms and powers granted by three several acts made in the ninth and twelfth years of the reign of her late majesty Queen Anne, and in the thirteenth year of the reign of his late majesty King George the First, *For amending the highways leading from Rofford in the county of Hertford, to Wandsford Bridge in the county of Huntingdon, so far as the same relates to the roads lying in the middle and south divisions of the said highways.*

The former act is further continued for 21 years.

CAP. XIV.

An act to enlarge the terms and powers granted by an act made in the first year of his present Majesty's reign, intituled, *An act for repairing the road leading from Chatteris Ferry (which divides the Isle of Ely from the county of Huntingdon) to Hammond's Eau, and from thence to Somersham Bridge at Somersham town's end in the said county.*

The former act is further continued for 21 years.

CAP. XV.

An act for finishing and completing the parish church of Gainsborough in the county of Lincoln.

Preamble, reciting the act 9 Geo. II. c. 23.

WHEREAS by an act of parliament made and passed in the ninth year of the reign of his present Majesty, intituled, *An act*

act for rebuilding the parish church of Gainsborough in the county of Lincoln, the right honourable Baptist Noel, earl of Gainsborough, &c. were constituted and appointed trustees for putting the said act in execution; and they, and the survivors of them, or any seven or more of them, were thereby authorized and impowered to cause the body of the old parish church, then standing in the town of Gainsborough, and the isles thereof, to be taken down, and to be rebuilt according to such dimensions, and with such materials, and in such manner, as by the said trustees should be agreed upon; and also to cause an assessment to be made yearly on all the owners and occupiers of houses, lands, tenements, and hereditaments, within the said parish (except as in the said act is mentioned) for raising money to defray the expences of taking down and rebuilding the said church; not exceeding two thousand five hundred pounds, so as such assessment should not exceed two hundred and ten pounds in any one year; and the said trustees, or any eleven or more of them, were thereby also impowered to assign over the rates and duties arising by virtue of the said act, or any part or proportion thereof, for any term of years, not exceeding twenty five years, for borrowing any sum not exceeding the sum of two thousand five hundred pounds, and to lay out the same for the purposes, and according to the directions mentioned and prescribed in and by the said act: and whereas the said sum of two thousand five hundred pounds hath been raised by the said trustees, pursuant to the said act; and the same, together with the further sum of four hundred and sixty five pounds, eighteen shillings, and nine pence, hath been laid out for and towards the taking down and rebuilding of the said church; but the said sums have not proved sufficient to compleat and finish the said building, so as to render the same fit for the performance of divine service therein: and whereas the said trustees have caused an estimate to be made by able and skilful workmen, of what the further expence of compleating and finishing the said church will amount to, who have computed the same at the sum of one thousand seven hundred and forty four pounds, over and above the said sum of four hundred and sixty five pounds eighteen shillings and nine pence now owing for work and materials for the rebuilding of the said church: and whereas the parishioners of the said parish of Gainsborough, at a publick vestry held on the fifth day of January, one thousand seven hundred and forty, have agreed, that to enable them to finish and compleat the said church, the sum of one thousand pounds shall be raised by a duty upon coals consumed in the town of Gainsborough, and in lieu of a duty upon coals, by an assessment on the occupiers of houses, lands, tenements, and hereditaments, lying within the hamlets of Morton, Walkereth and East Stockwith, in the parish of Gainsborough; and that the residue of the money which shall be wanting for finishing the said church, and making the same fit for divine service, shall be raised by an assessment on the owners of houses, lands, tenements, and hereditaments, in the whole parish of Gainsborough (the hamlet or lordship of High Thonock only excepted) &c.

CAP. XVI.

An act for enlarging the term and powers granted by an act made in the twelfth year of the reign of his late majesty King George the First, intituled, *An act for repairing the roads in the parishes of Kensington, Chelsea, and Fulham, and other parishes therein mentioned, in the county of Middlesex; and for repairing some other roads in the parish of Saint George, Hanover Square, and the said parishes of Kensington and Chelsea.*

The tolls are further continued for 23 years.

CAP. XVII.

An act to prevent inconveniencies arising from delays of causes after issue joined.

Preamble.

On the Plaintiff's neglect to bring on an issue to trial, the court may give judgement as in case of nonsuit.

WHEREAS many great inconveniencies have arisen to the subjects of this kingdom by means of delaying the trials of causes between party and party after issue joined; For remedy whereof may it please your most excellent Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That where any issue is or shall be joined in any action or suit at law in any of his Majesty's courts of record at *Westminster*, the court of great session for the principality of *Wales*, the court of great session for the county palatine of *Chester*, the court of common pleas for the county palatine of *Lancaster*, or the court of pleas for the county palatine of *Durham*, and the plaintiff or plaintiffs in any such action or suit hath or have neglected, or shall neglect, to bring such issue on to be tried according to the course and practice of the said courts respectively, it shall and may be lawful for the judge or judges of the said courts respectively at any time after such neglect, upon motion made in open court (due notice having been given thereof) to give the like judgement for the defendant or defendants in every such action or suit, as in cases of nonsuit, unless the said judge or judges shall upon just cause and reasonable terms allow any further time or times for the trial of such issue; and if the plaintiff or plaintiffs shall neglect to try such issue within the time or times so allowed; then and in every such case the said judge or judges shall proceed to give such judgement as aforesaid.

Judgment given by this act to have the like force as judgments on nonsuit. Defendant on such judgement, to have costs.

II. Provided always, and be it enacted by the authority aforesaid, That all judgments given by virtue of this act shall be of the like force and effect as judgments upon nonsuit, and of no other force or effect.

III. Provided also, That the defendant or defendants, shall upon such judgment be awarded his, her, or their costs, in any action or suit where he, she, or they would upon nonsuit be intituled to the same, and in no other action or suit whatsoever.

Defendant living 40 miles off, shall have

IV. And be it further enacted by the authority aforesaid, That from and after the first day of *May*, one thousand seven hundred

hundred and forty one, no indictment, information, or cause whatsoever, shall be tried at *Nisi prius* before any judge or justice of assize, or *Nisi prius*, or at the sittings in *London* or *Westminster*, where the defendant or defendants reside above forty miles from the said cities respectively, unless notice of trial in writing has been given at least ten days before such intended trial.

V. And be it further enacted by the authority aforesaid, That in case any party or parties shall have given such notice of trial as aforesaid, and shall not afterwards duly countermand the same in writing, at least six days before such intended trial, every such party shall be obliged to pay unto the party or parties to whom such notice of trial shall have been given as aforesaid, the like costs and charges as if such notice of trial had not been countermanded.

Notice of trial may be countermanded 6 days before the trial intended.

CAP. XVIII.

An act to indemnify persons who have omitted to qualify themselves for offices and employments, within the time limited by law, and for allowing further time for that purpose. Persons taking the oaths of the act 1 Geo. I. and receiving the sacrament, by 23 Nov. 1741, indemnified, and recapacitated. But persons not hereby restored to places already avoided or filled up. E X P.

CAP. XIX.

An act for repairing the roads from a place called Red House near Doncaster to Wakefield; and through the said town of Wakefield, by Dewsbury, Lighttown, and Lightcliff, to the town of Halifax, in the west riding of the county of York.

Certain tolls are granted from 20 May, 1741, for 21 years.

CAP. XX.

An act to amend the law concerning common recoveries, and to explain and amend an act made in the twenty ninth year of the reign of King Charles the Second, intituled, An act for prevention of frauds and perjuries, so far as the same relates to estates pur autre vie.

WHEREAS several leases have been heretofore, and are hereafter likely to be made, of honors, castles, manors, lands, tenements, and hereditaments, for one or more life or lives, under particular rents thereby reserved, and to be reserved: and whereas procuring surrenders of such freehold leases, or the tenants thereof to join, in order to make tenants to the writs of entry or other writs for suffering common recoveries, frequently occasions great trouble, difficulty, and expence to tenants in tail, and the same cannot in many cases be obtained, by reason of the uncertainty in whom the legal estate of freehold under such leases is vested, and also by reason of the disabilities and incapacities of such lessees, or persons claiming under them, by means whereof purchases and family settlements are often delayed, and may be in great danger of being defeated, if some proper remedy be not provided: For remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present

Preamble.

Common recoveries to be valid, without surrender of freehold leases.

parliament assembled, and by the authority of the same, That all common recoveries suffered or to be suffered in his Majesty's court of *Common Pleas* at *Westminster*, or in any other court of record in the principality of *Wales*, or in any of the counties palatine, or in any other court having jurisdiction of the same, of any honors, castles, manors, lands, tenements, or hereditaments, without any surrender or surrenders of such lease or leases, or without the concurrence, or any conveyance or assurance from such lessee or lessees, or other person or persons claiming under such lessee or lessees, in order to make good tenants to the writs of entry, or other writs, whereupon such recoveries have been or shall be had or suffered, shall be as valid and effectual in law, to all intents and purposes whatsoever, as if such lessee or lessees, or any other person or persons claiming under him, her, or them, had conveyed, or joined in conveying, or shall convey, or join in conveying, a good estate of freehold to such person or persons as has or have been, or shall become, tenant or tenants to such writs of entry, or other writs, whereupon such common recoveries have been or shall be suffered.

What shall make common recoveries valid.

II. Provided always, That nothing in this act contained shall extend, or be construed to extend, to make any common recoveries valid and effectual in law, unless the person or persons intitled to the first estate for life, or other greater estate (in case there be no such estate for life in being) in reversion or remainder next after the expiration of such leases has or have by some lawful act or means conveyed or assured, or joined in conveying or assuring, or shall by some lawful act or means convey or assure, or join in conveying or assuring, an estate for life at the least, to such person or persons as has or have been, or shall become, tenant or tenants to the writs of entry, or other writs, whereupon such common recoveries have been or shall be suffered.

Provido.

III. Provided also, That nothing in this act contained, shall be construed to extend to prejudice the estate of such lessee or lessees, or any person or persons claiming any interest under such lessee or lessees.

Evidence to be allowed of common recoveries.

IV. And whereas, by the default or neglect of persons employed in suffering common recoveries, it has happened, and may happen, that such recoveries are not entered on record, whereby purchasers for a valuable consideration may be defeated of their just rights; For Remedy thereof, be it further enacted by the authority aforesaid, That where any person or persons hath or have purchased, or shall purchase, for a valuable consideration, any estate or estates in lands, tenements, or hereditaments, whereof a recovery or recoveries is, are, or were necessary to be suffered, in order to compleat the title, such person or persons, and all claiming under him, her, or them, having been in possession of the purchased estate or estates from the time of such purchase, shall and may, after the end of twenty years from the time of such purchase, produce in evidence the deed or deeds, making a tenant to the writ or writs of entry, or other writs for suffering a common

common

mon recovery or common recoveries, and declaring the uses of a recovery or recoveries, and the deed or deeds so produced (the execution thereof being duly proved) shall in all courts of law and equity be deemed and taken as a good and sufficient evidence for such purchaser and purchasers, and those claiming under him, her, or them, that such recovery or recoveries was or were duly suffered and perfected according to the purport of such deed or deeds, in case no record can be found of such recovery or recoveries, or the same should appear not to be regularly entered on record: Provided always, that the person or persons making such deed or deeds as aforesaid, and declaring the uses of a common recovery or recoveries, had a sufficient estate and power to make a tenant to such writ or writs as aforesaid, and to suffer such common recovery or recoveries.

V. And whereas it has frequently happened, that the deeds for making the tenant to the writs of entry or other writs for suffering common recoveries, have been lost, or that the fines or deeds, making the tenants to the said writs, have not been levied or executed till after the judgment given in such recoveries, and the writ of Seisin awarded, by reason whereof great doubts have arisen, whether such recoveries, for want of proper tenants to the writs, are good and effectual in law; to prevent such doubts for the future, and in order to render common recoveries more certain and effectual, be it enacted by the authority aforesaid, That every common recovery already suffered, or hereafter to be suffered, shall, after the expiration of twenty years from the time of the suffering thereof, be deemed good and valid to all intents and purposes, if it appears upon the face of such recovery, that there was a tenant to the writ; and if the persons joining in such recovery had a sufficient estate and power to suffer the same, notwithstanding the deed or deeds for making the tenant to such writ should be lost or not appear.

Common recoveries not disputed in 20 years, shall be deem'd valid.

VI. And be it further enacted by the authority aforesaid, That from and after the commencement of this act, every recovery already suffered, or hereafter to be suffered, shall be deemed good and valid to all intents and purposes, notwithstanding the fine, or deed or deeds, making the tenant to such writ, should be levied or executed after the time of the judgment given in such recovery, and the award of the writ of seisin as aforesaid; provided the same appear to be levied or executed before the end of the term, great session, session or assizes, in which such recovery was suffered, and the persons joining in such recovery had a sufficient estate and power to suffer the same as aforesaid.

Recovery to be deemed good, though the deed be executed after the time.

VII. Provided always, That nothing in this act contained shall extend, or be construed to extend, to make any such common recovery heretofore suffered valid and effectual in law, which has been avoided by any lawful act or means, or which shall hereafter be avoided by entry duly made on or before the sixteenth day of January, one thousand seven hundred and forty, or by judgment or decree had or obtained upon some action or

What recoveries not to be made valid.

suit at law or in equity, commenced or to be commenced on or before the said sixteenth day of *January*, and prosecuted with due diligence; but every such common recovery shall remain and be of such force and effect only, as the same would have been if this act had never been made, and of no other force or effect.

Proviso.

VIII. Provided, That nothing in this act contained shall be construed to prejudice or affect any question of law, which may arise upon common recoveries not remedied or intended to be remedied by this act; but all such common recoveries shall remain and be of such force and effect, as the same would have been if this act had never been made, and of no other force or effect.

29 Car. II.
c. 3.

IX. *And whereas, by an act made in the twenty ninth year of the reign of king Charles the Second, intituled, An act for prevention of frauds and perjuries, amongst other things, it is enacted, That estates pur auter vie, whereof no devise should be made, should, in case there should be no special occupant thereof, go to the executors or administrators of the party that had the estate thereof by virtue of the grant, and should be assess in their hands: and whereas doubts have arisen, where no devise has been made of such estates, to whom the surplus of such estates, after the debts of such deceased owners thereof are fully satisfied, shall belong; be it enacted by the authority aforesaid, That such estates pur auter vie, in case there be no special occupant thereof, of which no devise shall have been made according to the said act for prevention of frauds and perjuries, or so much thereof as shall not have been so devised, shall go, be applied, and distributed, in the same manner as the personal estate of the testator or intestate.*

Surplus of estates pur auter vie, how to pass, if not devised.

CAP. XXI.

An act to indemnify protestant purchasers of estates of papists, against the penalties or forfeitures papists are liable to, for not having inrolled their estates, in pursuance of an act of the third year of the reign of his late majesty King George the First, for that purpose. Further time given to inroll purchases made before 29 Sept. 1741, to 25 Mar. 1742. Judgments already given not to be made void. E X P.

CAP. XXII.

An act for granting and continuing the duties upon salt, and upon red and white herrings, for the further term of seven years; and for allowing rock salt to be used in making of salt from sea water at the salt works at Neath in the county of Glamorgan.

Clause of loan for 1,200,000l. at 4 per cent. Treasury to take an account of the said monies raised by loan or exchequer bills, at Michaelmas, 1742. Deficiency to be made good out of the next aids granted after Michaelmas, 1742, or sinking fund, and replaced out of the next supplies. Surplus to be disposed of by parliament. E X P.

XIX. **A**ND *whereas by an act made in the first year of the reign of her late majesty Queen Anne, it is enacted, That no rock salt whatsoever shall be refined or made into white salt*
in

in any place or places whatsoever within the kingdom of England, dominion of Wales, or town of Berwick upon Tweed, except in such places as are or shall be within ten miles distance of the respective pit or pits, from whence such rock salt shall be taken, or at such places as on or before the tenth day of May, one thousand seven hundred and two, shall have been used for the refining rock salt, under a penalty therein expressed; and whereas there hath been anciently an house or place, in which rock salt has been refined or made into white salt before the said tenth day of May, one thousand seven hundred and two, near the sea between Neath and Swanzev, in the county of Glamorgan, in South Wales, but the same is now, and hath been for many years, covered with sand, and become intirely usefess, and the country thereabouts (being at a very great distance from any other salt works) have been thereby deprived of the benefit of being supplied with salt as formerly: and whereas certain salt works have been erected at great charges at Neath aforesaid, about four or five miles distance from the place before mentioned, for the making of white salt from sea water, and upon several occasions rock salt would be very useful to strengthen the brine in the said works, when weakened by fresh water or other accidents; but the proper use of the said salt works not being for the refining rock salt, it hath been doubted whether rock salt might be there used: For preventing such doubts for the future, be it enacted by the authority aforesaid, That rock salt may be so used in the making salt from sea water in the said salt works at Neath aforesaid; any thing in the said act or in any other law or statute to the contrary notwithstanding, so as his Majesty's duties for all the salt proceeding as well from the said rock salt as from the sea water be duly charged, answered, and paid to his Majesty's use.

Rock salt may be used in making salt at Neath, so as his Majesty's duties be secured.

CAP. XXIII.

An act for repairing the road from Wakefield to Pontefract, and from thence to a place called Weeland in the township of Hensall, and from Pontefract to Wentbridge, in the township of Darrington, in the west riding of the county of York.

Certain tolls are granted from 10 May 1741, for 21 years, and to the end of the next session of parliament.

CAP. XXIV.

An act for the effectual draining and preservation of Waterbeach Level in the county of Cambridge, and to establish an agreement made between the lord of the manor of Waterbeach cum Denny, and the commoners within the said manor.

WHEREAS certain fen lands and low grounds, lying and being in the several parishes of Waterbeach and Wicken, in the county of Cambridge, and in Stretham and Thetford, in the Isle of Ely, and county aforesaid, commonly called Waterbeach Level, containing in the whole four thousand five hundred acres of land, or thereabouts; two thousand five hundred acres whereof, or thereabouts, are commonable lands, and the rest are severals; the greatest

part of which said lands are within the manor of Waterbeach cum Denny, and the rest are within the parishes of Wicken, Stretham, and Thetford aforesaid, and are bounded as follows, videlicet, from the brewhouse in Waterbeach Midload fen, near the west bank of the river Grant, to that bank, and along the west side of that bank to Harrymere head, at the old river Owze, and from thence by the south side of the south bank of the said river Owze, to Stretham ferry, and from thence by the east side of Stretham ferry bank, to Chittering hill, including the low lands of Chittering fen, as now staked and meared out; and from Chittering hill to Denny farm grounds, including all the low lands thereto adjoining, belonging to Denny farm aforesaid; and from thence, including all the rest of the low lands of Chittering fen aforesaid, as are also now staked and meared out, to Waterbeach Joyst fen; and from thence, including the said Joyst fen, and all the low lands belonging to Denny farm aforesaid, adjoining to the said Joyst fen, and also the low lands lying between Chittering hill and Joyst fen aforesaid, to Waterbeach bannel, or Denny sheep walk, including all the low lands belonging to the said bannel or sheep walk, as the same are now also staked and meared out; and from thence by the West side of Midload fen, including all the lands called Drainer's Grounds, and all the said Midload fen, to the brewhouse aforesaid (excluding all the said banks, and the ware-dykes thereof) are so subject to inundations through the defects of their outfalls to sea, that the same are but of very little benefit or advantage to the owners and occupiers of those grounds, or to the commoners having right of common on the commonable parts thereof, and cannot be preserved without the aid of parliament, to enable the said owners and commoners to drain and keep the same drained for the future; and as the said fen lands and low grounds are in their own nature very rich and fertile, great benefit and advantage will accrue thereby, not only to the said owners and commoners, but to the publick in general: and whereas the lord of the manor of Waterbeach cum Denny aforesaid, and the commoners having right of common, as well within the said level, as in other parts of the said manor, have entered into articles of agreement in writing, for the settling and adjusting their severall and respective rights of common within the said manor, and the number and stint of cattle to be kept thereon, and for the better regulation and government of the said common for the future: and which said agreement is as follows; (that is to say)

Articles of agreement had, made, concluded and agreed upon the tenth day of November, in the fourteenth year of the reign of our soverereign Lord George the Second, by the grace of God of Great Britain, France and Ireland, King, defender of the faith, and so forth, and in the year of our Lord one thousand seven hundred and forty, between *Peter Standley of Long Melford in the county of Suffolk, esquire, lord of the manor of Waterbeach cum Denny in the county of Cambridge*, of the one part, and the owners of the severall and respective ancient commonable messuages in *Waterbeach aforesaid*, whose names are hereunto subscribed, of the other part.

I. *Whereas,*

I. *Whereas the several and respective persons whose names are hereunto subscribed, are owners and proprietors of the several and ancient commonable messuages in Waterbeach aforesaid, and have severally a right of common in the several commonable, waste and fen grounds in Waterbeach, without number or stint; and for the better regulating and stinting the same, have come to the following agreement:*

II. *It is hereby covenanted, concluded and agreed between the said parties, that the said Peter Standley shall and will give up and quit claim, all manner of right of taking in any number or sort of joynt cattle into any of the commonable wastes and fen grounds in Waterbeach aforesaid; the owners of the said several commonable messuages in Waterbeach paying yearly, and every year, between the first and tenth days of July, yearly, to the said Peter Standley, his heirs and assigns, at or in the capital mansion-house called Denny Abbey, in Waterbeach aforesaid, the sum of two shillings per house or common; and that in case of failure in payment, it shall and may be lawful to and for the said Peter Standley, his heirs or assigns, steward or agent, to drive and take any of the cattle feeding and depastured in any of the said commons, of such person or persons as shall neglect or refuse to pay the same (being demanded) and the same to detain, keep and impound by way of distress for five days; and that if the said arrear be not in that time duly paid, then to sell and dispose thereof; and after payment and satisfaction of such arrears, together with the charge of maintaining the said cattle, to return the overplus to the owner thereof: and if there be no cattle upon the common belonging to such particular tenant, so neglecting or refusing payment, that then the rest of the commoners in Waterbeach aforesaid, having cattle there, shall make good and pay such deficiency on or before the twentieth day of July yearly; and in default thereof, it shall be lawful for the said Peter Standley to take and distrain the cattle of any other of the said commoners, having cattle, and the same in like manner to detain and impound, and in default of payment within five days after such distress, the same to sell and dispose towards satisfaction of such arrear, together with the charge of maintaining the same, returning the overplus to the owner, and so from time to time, as often as it shall so happen.*

III. *That the fen called Joynt Fen shall be freed and cleared of all manner of cattle, from Candlemas-day to the twenty-fifth day of March, yearly, horses excepted; and that the fen called Midlot, or Midlood, shall be freed and cleared of all manner of cattle from Candlemas-day, to the first day of May yearly.*

IV. *That for each and every common, the owner or occupier shall and may feed fifteen milched cows or dry neat cattle, and eight sheep, or ten cows and five mares or geldings, and no more, and to abate a cow for every colt, after it is one year old; and that three weanling calves of the first year shall be deemed as one cow; and that two yearling neat cattle, to be likewise deemed as one cow; and that for every four commons there shall be kept by the owners or occupiers thereof, one bull yearly, from the first day of May to the tenth day of October; and that for every beast fed and depastured on the said commons,*

contrary

contrary to the true intent and meaning of these articles, there shall be forfeited and paid to the lord of the said manor for the time being, the sum of ten shillings for every time such offence shall be committed, to be levied and recovered by distress and sale as aforesaid.

V. And that for the better enforcing the due observance of the said regulation and stint, there shall be yearly chosen on the Thursday next before Christmas-day, in the said parish church, four senreceves, commoners and dwellers in the said parish of Waterbeach, by the major part of the owners and occupiers of the said commons, then and there for that purpose assembled, to continue in the said office for one year then next ensuing, and no longer, who shall severally, within one week after such election, take upon themselves the said office for one year from the day of such election, on pain of severally forfeiting five pence apiece to the lord of the said manor for the time being, and to be levied and recovered by distress and sale, as aforesaid; and that in such election, every occupier of a common shall have a vote for every common he holds.

VI. That the said senreceves so to be elected and chosen yearly, shall and may, by and with the consent of the major part of the owners or occupiers of the said commons in Waterbeach aforesaid, upon any inundation of water and floods, by order or orders in writing, take off and diminish such and so many cattle of the number above-mentioned, as the necessity of the case in their judgments may require, so as such order or orders are made to extend equally to all parties concerned; and provided such order or orders be published in the parish church of Waterbeach aforesaid, the Sunday morning next following the making thereof, immediately after divine service; and that the better to enforce a due observation of such order or orders so to be made as aforesaid, there shall be forfeited and paid to the lord of the said manor for the time being, ten shillings for every beast, and for every time that they be taken offending contrary to such order or orders, so to be made as aforesaid, and that it shall and may be lawful for the said senreceves, or any or either of them, to take and impound the cattle of such offender or offenders, who shall presume to put on and feed contrary to such order or orders, and the same to detain and keep for five days; and then if such penalties and forfeitures be not paid, to sell and dispose of such cattle towards satisfaction of the said penalty, rendering the overplus, first deducting the charge of keeping the same.

VII. That if upon any floods or inundation of water, the senreceves for the time being shall think it necessary for the better securing the banks, or scouring the ditches and drains belonging to the said commonable fens and waste grounds, that the same be done by a common day-work; and then upon public notice to be by them given for that purpose, by sending a bell about the town, every owner or occupier of a common there, shall come in at the time appointed and do the same, or send a sufficient able-bodied man for every house or common, with proper working tools, and in default and neglect thereof, to forfeit and pay to the said senreceves eighteen pence per day, for every day, for every house or common, not performed as aforesaid, to be employed and bestowed in amending and repairing the banks, or scouring the drains as aforesaid; and that for defraying such like and other necessary and

incident charges of gates, bars, bridget, and other things, it shall and may be lawful for the said senreeves, or any one of them for the time being, by and with the consent of the major part of the commoners, inhabitants of Waterbeach aforesaid, who shall, upon notice to be given to meet in the parish church of Waterbeach aforesaid, for that purpose be assembled, to make a rate or rates upon the occupiers of the several commonable messuages or tenements at Waterbeach aforesaid, which rate or rates shall from that time be allowed and confirmed by one or more justices or justices of the peace for the said county, and to be then levied on such as shall neglect or refuse the payment thereof, by distress and sale as aforesaid, and so from time to time as occasion shall require. Provided, That if any think himself or themselves aggrieved by such rate or rates, appeal may be made at the next general quarter sessions of the peace to be held for the said county, where the same shall be heard, and finally determined; and that the said senreeves, or such of them as shall receive any money, either by rate or otherwise, belonging to the said office, shall within one week after the year for which he shall be so chosen and serve, make a true, full, and perfect account of all his receipts and disbursement in the said office, and pay the balance thereof (if any shall remain) to the next succeeding senreeves, some or one of them, upon pain of forfeiting to the lord of the said manor for the time being, five pounds for every month such account shall remain unsettled, or the balance thereof (if any) unpaid, to be levied and recovered by distress and sale as aforesaid; in which account it shall be lawful for the said senreeves to retain in their respective hands the sum of twenty shillings for their care and pains in the premises.

VIII. That the owner or occupier of the rectory of Waterbeach for the time being may keep fourscore sheep in the town flock, which fourscore, as well as those herein before limited and appointed to be kept by the commoners, are only to go, depasture, and feed in such places, and at such times only, as the sheep have heretofore usually done in Waterbeach aforesaid; and that the flock kept, or to be kept, by the said Peter Standley, or his tenant or tenants of the farm now in the possession of John Hemington, shall not exceed four hundred in number, and shall not go or depasture in Hill-field farther than Millway in Waterbeach aforesaid; and that the Denny Abbey flock shall not exceed eight hundred in number, and shall not go in Home Bannold or Wingfold, or any of the town fields; and that there may be kept in the town flock two sheep for every five acres of arable land in Waterbeach aforesaid, by the owner or occupier thereof; and that lambs be deemed sheep upon the eleventh day of November yearly.

IX. That for the better distinguishing every one's cattle, the owner or owners thereof shall yearly, before they be put upon the common, brand them with a pitched brand with the first letter of his christian and surname, and deliver a copy of such brand to the senreeves, or one of them, on or before the first day of March yearly, on pain of forfeiting to the lord of the said manor for the time being, for every beast not branded as aforesaid, and for every time they shall be found there not branded as aforesaid, twelve pence per head, and for neglect or refusing to deliver a copy of the brand as aforesaid, five shillings per week,

week, so long as the same shall remain undelivered, to be levied and recovered by distress and sale aforesaid.

X *That for clearing and taking away all future doubts, it is hereby declared and agreed, That the chief capital mansion-house of the said Peter Standley, in Waterbeach aforesaid, called Denny Abbey, is and shall from henceforth always be deemed to be a commonable house in Waterbeach aforesaid.*

XI. *That an act of parliament, if it can or may, be obtained, for the better establishing and better enforcing the due execution of these presents in such manner as counsel shall advise, so as not to enlarge the number or stint of cattle herein before limited. In witness whereof the parties first above-named to these present articles, have hereunto set their hands and seals the day and year first above written.*

Peter Standley, &c.

may it please your Majesty, that it may be enacted, &c.

Commissioners may tax the occupiers of fen lands; and may borrow money on the tax, and pay 5 l. per cent interest. Inspection of accounts to be had annually by the commissioners. Commissioners for Waterbeach Level not to interfere with those of Bedford Level. No works to be made on the rivers Grant or Owze.

CAP. XXV.

An act for repairing the road leading from Ealand to the town of Leeds in the west riding of the county of York.

Certain tolls are granted from 1 June, 1741, for 21 years, and to the end of the next session of parliament.

CAP. XXVI.

An act for making a chapel lately built by John Coppin esquire, at Market Street, in the parish of Cadington, in the county of Hertford, a perpetual cure and benefice; and for other purposes therein mentioned.

CAP. XXVII.

An act to enable the parishioners of the parish of Saint Botolph without Aldgate, in the city of London, and county of Middlesex, to rebuild the church of the said parish.

WHEREAS the church of the parish of Saint Botolph without Aldgate, in the city of London, and county of Middlesex, is a very ancient fabrick; and notwithstanding considerable sums of money have been laid out by the inhabitants of the said parish, in repairing and supporting the same, part thereof is in great danger of falling down, and other parts in a very ruinous condition: now to the intent the said church may be rebuilt for the publick worship of God, and the instruction of the inhabitants of the said parish in the true christian religion as now professed in the church of England; and that the said steeple may also be rebuilt, and that the same may be effected in a manner that may be least burthensome to the inhabitants of the said parish, the churchwardens, ancients, and other inhabitants of the said parish, do most humbly beseech your most excellent Majesty, that it may be enacted, &c.

Trustees.

Trustees to make assessments. No settlement to be made by paying these rates. Collectors to be appointed by the parish, on Thursday in every Easter Week, to pay over the money to trustees. Collector to be excused the office of Scavenger. Trustees may borrow money on the credit of this act. Annuities of £1. 10 s. per cent. Receipts, payments, &c. to be registered in books.

CAP. XXVIII.

An act for repairing the roads from Doncaster through Ferry-bridge, to the south side of Tadcaster Cross; and also from Ferry-bridge to Wetherby, and from thence to Borough-bridge, in the county of York.

Certain tolls are granted from 1 May, 1741, for 21 years, &c.

CAP. XXIX.

An act for enlarging the term and powers granted by an act passed in the twelfth year of the reign of his late majesty King George the First, intituled, *An act for repairing and widening the road from Horsley Upright Gate, leading down Bowden Hill, in the county of Wilts, to the top of Kingsdown Hill in the parish of Box in the said county.*

The act is further continued for 21 years.

CAP. XXX.

An act for appointing new commissioners and trustees for putting in execution an act passed in the eighth year of the reign of her late majesty Queen Anne, intituled, *An act for vesting the estate and effects of John Coggs and John Dan, Goldsmiths and copartners, in trustees, for the speedier payment of their creditors, and for determining differences thereupon.*

CAP. XXXI.

An act for repairing the road from Doncaster (through the parish of Peniston) in the county of York, to Salter's Brook in the county of Chester; and also the road from Rotherham in the said county of York, to Hartcliffe Hill in the said parish of Peniston.

Certain tolls are granted from 12 May, 1741, for 21 years.

CAP. XXXII.

An act for repairing and enlarging the roads from the town of Selby, in the west riding of the county of York, to the town of Leeds; and from thence (in two several branches, one through Bradford and Horton, and the other through Bowling and Wibsey) to the town of Halifax, in the same riding.

*Certain tolls are granted from 12 May, 1741, for 21 years. 24 Geo. 2. c. 22.
25 Geo. 2. c. 55.*

CAP. XXXIII.

An act to supply some defects in the laws for repairing and rebuilding county bridges, for repairing, enlarging, erecting, and providing houses of correction, and for passing rogues and vagabonds.

WHEREAS it does and may happen, that when county bridges are to be rebuilt or repaired, a piece or parcel of ground there-
to adjoining may be of great use or service, either for enlarging such bridges, or more commodiously rebuilding them: and whereas there is no power given by the laws in being for the rebuilding or repairing of county bridges to the justices of the peace, to purchase any such pieces or parcels

Preamble, re-
citing the act
13 Geo. 2.
c. 24.

parcels of ground: and whereas by an act made in the thirteenth year of the reign of his present Majesty, intituled, An act for the amending and enforcing the laws relating to rogues, vagabonds, and other idle and disorderly persons, and for reducing the same into one act of parliament; and also for amending the laws for erecting, providing, and regulating houses of correction; it is (amongst other things) enacted, That upon the presentment of the grand jury at the assizes, great session, or general gaol delivery, held for any county or liberty, that there is no house of correction, and that it will be necessary to provide one or more house or houses of correction in such county or liberty, or that the house or houses of correction in any such county or liberty is or are not sufficient, and want to be enlarged; the justices of the peace at their general or quarter sessions shall have power to build, erect, or enlarge one or more fit or convenient house or houses of correction, or to purchase one or more convenient house or houses for that purpose, or to purchase land to erect such house or houses of correction upon, and to make a convenient backside or backside, outlet or outlets thereto: and whereas in some counties and liberties, where it is necessary to have a house or houses of correction, there is or may be no assize, great session, or general gaol delivery, and in consequence there can be no presentment of such grand jury, so that in such cases the said act is rendered ineffectual: therefore for the better repairing and rebuilding county bridges, and for supplying the defects of the said recited act, so far as the same relates to the repairing, enlarging, building, and providing houses of correction, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of June, one thousand seven hundred and forty one, the justices of the peace of any county, city, riding, liberty, or division, at their general sessions, or general quarter sessions assembled, or the major part of them, shall have power, and are hereby authorized, to purchase of, or agree or contract with, any person or persons, bodies politick or corporate for any piece or parcel of land adjoining to or near to any county bridge within the limits of their respective commissions, for the more commodious enlarging or convenient rebuilding the same; which pieces or parcels of land shall not exceed one acre in the whole for any such bridge, and shall from time to time be paid for by the respective county treasurers out of any monies raised or to be raised by virtue of an act made in the twelfth year of the reign of his present Majesty, intituled, *An act for the more easy assessing, collecting, and levying of county rates*; such treasurers being thereunto authorized, by orders under the hands and seals of the respective justices of the peace at their general sessions, or general quarter sessions, or the major part of them; which lands so purchased, shall be conveyed to such person or persons as the said justices of the peace at their general sessions, or general quarter sessions, or the major part of them shall respectively appoint, in trust, and for the uses and purposes of enlarging or rebuilding such bridges respectively.

II. And

Justices at
their quarter
sessions may
purchase lands
to build
county
bridges.

II. And be it further enacted by the authority aforesaid, and have power to enlarge houses of correction. That from and after the said twenty fourth day of June, one thousand seven hundred and forty one, the justices of the peace of any county, city, riding, liberty, or division, at their general sessions, or general quarter sessions assembled, or the major part of them, where there shall be no assizes, great session, or general gaol delivery held, upon the presentment of the grand jury to such justices at their general sessions, or general quarter sessions, shall have as full power and authority to repair or enlarge any house or houses of correction already built, or to purchase any house or houses for a house or houses of correction, or to build or erect any house or houses of correction, or to purchase land to erect such house or houses of correction upon, and to make a convenient backside or backside, outlet or outlets thereto, as if such presentment had been made at the assizes, great session or general gaol delivery, in such manner as is directed, and by the same ways and means as are provided in and by the said recited act made in the thirteenth year of the reign of his present Majesty; any thing in the said act contained to the contrary thereof in any wise notwithstanding.

III. And whereas it is enacted in and by the said act, made in the thirteenth year of the reign of his present Majesty, That the justice or justices of the peace, who shall make any pass for conveying any rogue, vagabond, or incorrigible rogue, shall at the same time cause to be delivered to the constable a certificate, ascertaining the manner of conveying such rogue, vagabond, or incorrigible rogue; and that when the place to which the person or persons apprehended are to be sent, lies remote, and there be one or more counties, ridings, or divisions intervening, the constable or other officer, to whom such pass and certificate shall be given, shall forthwith cause the person or persons therein named to be conveyed to the next house of correction in the same county, riding, or division, where he or they shall dwell: and whereas it has been sometimes found inconvenient, and has created an extraordinary expence, to send the person or persons apprehended, who was or were to be immediately passed to some distant county, riding, or division, by such justice or justices, to the house of correction in the same county, riding or division, where he or they dwell, such house of correction often lying out of the direct way to the place where such person or persons was or were to be passed; for remedy whereof be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of June, one thousand seven hundred and forty one, it shall and may be lawful for any justice or justices of the peace, to send any person or persons who shall be apprehended as a rogue, vagabond, or incorrigible rogue, to the house of correction in the county, riding, or division, where he or they dwell, or to any other house of correction in the same county, riding, or division, as shall be most convenient for the passing such person or persons; any thing in the said act contained to the contrary thereof in any wise notwithstanding.

Justices of the peace may send vagabonds to the most convenient house of correction, &c.

CAP. XXXIV.

An act to continue an act for the relief of debtors, with respect to the imprisonment of their persons, and two subsequent acts for explaining and amending the same; and also to continue an act for the free importation of cochineal and indico.

Preamble.

WHEREAS the laws herein after mentioned are found to be useful and beneficial to the publick, and are so near expiring, that it is fit they should now be continued; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the second year of the reign of his present Majesty, intituled, *An act for the relief of debtors with respect to the imprisonment of their persons*; which act was to continue in force for five years, and from thence to the end of the then next session of parliament, and no longer; and also an act made in the third year of the reign of his present Majesty, intituled, *An act for explaining and amending an act made in the last session of parliament, intituled, An act for the relief of debtors with respect to the imprisonment of their persons*; and also an act made in the eighth year of the reign of his present Majesty, intituled, *An act to explain and amend an act passed in the second year of the reign of his present Majesty, intituled, An act for the relief of debtors with respect to the imprisonment of their persons*; which said acts were to continue in force until the twenty fifth day of *March*, one thousand seven hundred and forty, and from thence to the end of the then next session of parliament, and no longer; shall, with the several articles and clauses therein contained (except the clause in the said last mentioned act for settling mutual debts one against the other, which by the said act is made perpetual) be and are hereby further continued from the expiration thereof, until the first day of *June*, one thousand seven hundred and forty seven, and from thence to the end of the then next session of parliament, and no longer.

continued for
7 years longer.
Continued by
21 Geo. 2.
c. 33.

Act 7 Geo. 2.
c. 18. for im-
porting coch-
ineal.

continued for
7 years longer.
Continued by
27 Geo. 2.
c. 18.

II. And be it further enacted by the authority aforesaid, That an act made in the seventh year of the reign of his present Majesty, intituled, *An act for the revival of an act made in the thirteenth year of the reign of his late majesty King George the First, intituled, An act for the free importation of cochineal during the time therein limited, and also for the free importation of indico, which was to continue in force from the twenty fourth day of June, one thousand seven hundred and thirty four, for the term of seven years, and from thence to the end of the then next session of parliament, and no longer, shall be and is hereby further continued from the expiration thereof, until the first day of June, one thousand seven hundred and forty seven, and from thence to the end of the then next session of parliament, and no longer.*

CAP.

CAP. XXXV.

Act for continuing an act passed in the seventh year of the reign of his present Majesty, To explain and amend a former act passed in the eleventh year of the reign of his late majesty King George the First, for the better regulating the manufacture of cloth in the west riding of the county of York, and for making the said acts more effectual.

WHEREAS by an act of parliament made and passed in the seventh year of the reign of his present majesty King George the Second, intituled, An act to explain and amend an act passed in the eleventh year of the reign of his late majesty King George the First, intituled, *An act for the better regulating the manufacture of cloth in the west riding of the county of York; it was enacted, That if any owner, master, occupier, or millman, of any fulling-mills in the said west riding, should, after the twenty fourth day of June, in the year of our Lord one thousand seven hundred and thirty four, neglect or refuse to stamp on such seal of lead, as is therein mentioned, before such cloth should be carried from the mill, in figures plainly to be seen and known, the true length and breadth of such cloth, and also his name, or part thereof, upon the rivet of the said seal, and be thereof lawfully convicted, upon the oath of one or more credible witnesses, before one or more justice or justices of the peace for the said west riding, or of any corporation within the same (such justice or justices not being a merchant or trader in the woollen manufacture) such owner, master, occupier, or mill-man, should forfeit for every such offence, the sum of twenty shillings, to be recovered and distributed as is therein directed: and whereaps, the said act of the seventh year of his present Majesty hath in general been of great use and benefit to all persons concerned in the cloth trade in the said west riding; but as several of the directions and provisions in the said act have not proved effectual to answer the purposes thereby intended, and as the same act being made temporary will expire at the end of this present session of parliament; wherefore, for continuing so much of the said act as hath already been found beneficial; and for explaining and amending the same, so far as to make the law more effectual for the preservation of a trade so advantageous and beneficial to the kingdom; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That the justices of the peace for the said west riding of the said county of York, not being dealers in woollen cloth, or being owners, farmers, or occupiers of any fulling-mill, at their next quarter sessions of the peace to be holden for the said riding, next after Midsummer, one thousand seven hundred and forty one, or at some adjournment of the same, and at their general quarter sessions of the peace to be holden next after Easter yearly, shall*

Preamble, re-citing the act 7 Geo. 2. c. 25.

Justices to choose measurers and searchers of cloth.

and

G g

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and appoint
their yearly
salaries.

On searcher's
death, or in-
capacity, the
next justice
may choose
another,

to be approv-
ed by the ju-
stices at the
next Easter
sessions.

Duty of mea-
surers.

and may, and they are hereby authorized and required to choose and appoint so many men of good character and repute within the said riding, being persons following, or having been brought up in the trade or occupation of a maker or dresser of woollen broad cloth in the said riding, as they shall think convenient, to be measurers and searchers of cloth at the mills in the said riding, over and above such persons as are or may be appointed searchers by virtue of the said former acts, or either of them, and to appoint and station the measurers and searchers so to be chosen, at such mills, and in such manner, as to the said justices at their general or adjourned sessions shall seem meet and convenient; and shall and may assign, allow, and appoint, to the said measurers so to be appointed, such yearly salaries not exceeding the yearly sum of twenty five pounds to each of them, as the said justices at the said general or adjourned sessions, or the major part of them, shall think proper.

II. Provided always, and be it further enacted, That if any person who shall be so appointed to be a searcher of such cloth, shall happen to die during the year which he is so appointed to be a searcher, or shall by sickness, or any other accident, be rendered incapable of executing the said office; that then and in such case it shall and may be lawful for any one such justice of the peace as aforesaid, living near to the place where such searcher did or shall reside, to appoint some other proper person qualified as aforesaid, to supply the place of such searcher, until the next *Easter* sessions, to be there by the major part of such justices present confirmed, or another person appointed in his place; and the person so confirmed or appointed, shall take the same oath, and be invested with the same powers, and liable to the same penalties for any breach or neglect of duty, as the searchers elected or to be elected at the *Easter* session by virtue of this act are or ought to be.

III. And it is hereby further enacted, That the said measurers so to be appointed shall and may, and they are authorized and directed, at the respective fulling-mills where they shall respectively be stationed or placed, jointly and together with the mill-men of the said mills respectively, measure all the whole cloths and ends which shall be there milled respectively, at the respective times, and in manner herein after mentioned; that is to say, such cloths or ends as shall be streamed or washed in the coit or mill-stream of the said mills respectively, shall be measured within six, and not sooner than four hours, after the same shall be so streamed or washed; and such cloths or ends as shall not be so streamed and washed, shall be measured within four hours after the same shall come out of the stock.

IV. And it is hereby further enacted, That no cloth-maker shall take away his cloth from any such fulling-mill, before the same has lain four hours, after it has been streamed or washed; or before the same has lain four hours after it has come out of the stock (in case it shall not be so washed or streamed) unless the same shall be sooner measured and stamped in manner here-

in after mentioned by the searcher, jointly with the respective mill-men at whose mills such cloth shall respectively be milled or fulled: and if any cloth-maker shall take away his cloth from the mill before the same shall be so measured and stamped, every person so offending, and being thereof convicted upon the oath of the mill-man or measurer at the mill where such cloth was so fulled, before one or more justice or justices of the peace for the said riding, or any corporation within the same (such justice or justices not being traders or dealers in the woollen manufacture, or owners, farmers, or occupiers of any fulling-mill) every person so offending shall for every such offence forfeit and pay the sum of twenty shillings, to be levied and recovered in such manner, as the penalties inflicted and directed to be levied by the said act of the seventh year of his present Majesty are directed and appointed to be levied and recovered, and to be applied and disposed of in manner following; that is to say, one moiety thereof to the informer, and the other moiety to the treasurer of the west riding of the county of York.

Penalty on the cloth-maker offending against this act.

V. And it is hereby further enacted, That every mill-man who shall have the care of any fulling-mill at the time of passing this act, on or before the first day of May, one thousand seven hundred and forty one, and every mill-man hereafter to be appointed to and employed as a mill-man at any such fulling-mill, in the said riding, within ten days after he shall be so first appointed and employed, and every measurer and searcher, at the time he shall be appointed to the said office, shall respectively, and they are hereby required to take an oath before some justice of the peace for the said riding, or any corporation within the same, that they will well and truly perform such measuring and stamping, according to the intent and meaning of this act; which oath such justice of the peace is hereby authorized and required to administer, and to give such mill-man and searcher respectively a certificate of such oath's having been administered and taken.

Fuller and searcher to take an oath before a justice,

and have a certificate of such oath.

VI. And it is hereby further enacted, That the fuller or mill-man who shall full or mill such cloth, and the measurer or searcher who shall measure the same, shall affix or cause to be affixed on every such cloth, before it shall be carried from the mill, two seals of lead, to be furnished by the clothier; one of which seals shall be fixed at one end of such cloth by the fuller or mill-man, and the other of the said seals to be fixed by such searcher or measurer at the other end of such cloth; and such searcher or measurer, and fuller or mill-man respectively, shall rivet the seals by them respectively to be affixed on every such cloth, and each of them stamp his name, or part thereof, upon the said seal or rivet; and likewise shall, in figures plainly to be seen and distinguished, stamp the length and breadth of every such cloth; and immediately after the said cloth shall be measured, sealed, and stamped, as aforesaid, the searcher stamping the same shall enter in a book to be provided by the treasurer, and kept at the fulling-mill for that purpose, the name and place

Fuller and searcher to fix leaden seals at each end of the cloth;

and enter a description of the cloth in a book, and the mak-

er's name and
place of a-
bode.

Price of fixing
the seals.

The stamps
on the seals
to shew the
length of the
cloth.
Penalty for
the cloth be-
ing under
breadth.

No other pe-
nalties to be
paid than the
before-men-
tioned.

Cloths being
damaged and

of abode of the maker of every such cloth, and the colour or sort of the same cloth, and the length and breadth, on such seals by such fuller or mill-man and searcher so marked and impressed; for which seals so to be fixed, there shall be paid by the owner of such cloth to such mill-man the respective sums following; *videlicet*, for the seals of every whole or long cloth, the sum of four pence; and for the seals of every end or half cloth, the sum of two pence; three fourth parts whereof shall be accounted for and paid by such mill-man to the treasurer of the said west riding for the time being, to be applied for such purposes as are herein after directed, and the other fourth part thereof to such fuller or mill-man, to and for his own use and benefit; and that no other duty shall be paid for measuring or stamping of cloth by virtue of this or the said former acts, or either of them.

VII. And it is hereby further enacted, That the length and number of yards so stamped on such seals as aforesaid shall be the rule of payment for such cloth by the buyer of the same.

VIII. Provided always, and it is hereby enacted and declared, That in case any long or whole cloth, or end or half cloth, after it is fully milled, and shall have lain four hours as aforesaid, shall be under the breadth of one yard thirteen inches and half, for above one fifth part of the length thereof, then, and in such case, upon information thereof made before one or more justice or justices of the peace (such justice or justices not being traders or dealers in the woollen manufacture, or owners, farmers or occupiers of any fulling-mill) and upon proof thereof upon oath by one or more credible witness or witnesses, the maker or owner of such cloth shall forfeit and pay for every such defect in breadth in such whole cloth or end, the several penalties herein after mentioned; that is to say, for the first inch such cloth shall be under the breadth of one yard thirteen inches and half, the sum of two shillings and six pence; for the second inch, the sum of five shillings; and for every other inch such cloth shall be under the breadth aforesaid, the sum of fifteen shillings; the said penalties, after deducting thereout the costs and charges that the said informer shall sustain and be put unto in such prosecution and conviction, shall be paid and applied as follows; *videlicet*; one moiety thereof to the informer, and the other moiety to the treasurer of the said west riding, and shall be recovered and levied in such manner, as the other penalties are to be recovered and levied by virtue of this act.

IX. Provided always, That no clothier, or maker of woollen broad cloth, shall, after the said first day of *May*, forfeit or incur, or be liable to, any penalty for making cloth under the breadth herein before described and directed, other than the penalties inflicted and directed to be levied by this present act in the case herein before-mentioned; any former law or statute to the contrary notwithstanding.

X. Provided, That if it shall happen, that after any cloth shall have been milled, sealed, and stamped as aforesaid, any part

part thereof shall by any accident be damaged and taken off, such part thereof as shall not be damaged shall be again measured, sealed, and stamped by a searcher to be sent for for that purpose, who shall affix a new seal to the said cloth in manner herein before directed, which seal shall then be a rule of payment for such cloth.

shortened,
shall be mea-
sured and seal-
ed again.

XI. And it is hereby further enacted by the authority aforesaid, That if the owner of any such cloth shall, when the cloth shall be brought home from the fulling-mill, and upon his measuring the same, find such cloth to be of less length, or of less breadth for above one fifth part of the length thereof, than the same is by such stamps or seals denoted or expressed to contain, and shall, before the same has been exposed to sale, make oath thereof before one or more justice or justices of the peace as aforesaid; and shall also at the same time make oath, that the said admeasurement was made by him, before the said cloth had been above four hours in his custody at home, and of the true length and breadth he found the same to be upon such his admeasurement; then, and in such case, the fuller or mill-man, and searcher, who measured and stamped the cloth so complained of being convicted by such oath of the clothier as aforesaid, shall, for every such offence, jointly forfeit and pay the respective penalties and sums following; that is to say, for the first inch in breadth, or half a yard in length, that such cloth shall fall short of the measure stamped and marked on the same, the sum of five shillings; and for every other inch in breadth, or half-yard in length, so over-stamped, the sum of ten shillings; the said penalties, after deducting thereout the costs and charges of such prosecution and conviction, to be paid and applied as follows; *videlicet*, one moiety to the informer, and the other moiety to the treasurer of the said west riding, for the purposes herein after mentioned.

Penalty on
frauds com-
mitted by the
fuller and
searcher.

XII. And it is hereby enacted and declared, That it shall and may be lawful to and for the said treasurer, to deduct and retain the sums of money to be forfeited by the measurers and searchers respectively, out of the yearly salaries of such measurers and searchers respectively, as such salaries respectively shall become due and payable.

Treasurer to
deduct the
penalties out
of the salaries
of the search-
ers, &c.

XIII. And it is hereby further enacted and declared, That the several justices of the peace before whom any conviction shall be made by virtue of this act, as also the several measurers and searchers so to be appointed, shall, and they are hereby required, four times in every year at the least, to return and transmit to the treasurer of the said west riding for the time being, a true and perfect account in writing of all the convictions to be made pursuant to this act, or either of the former acts, that shall happen within their knowledge, and of all the penalties and forfeitures inflicted or levied by means or on account thereof, which by virtue of this act, or either of the said former acts, are made payable to the said treasurer for the time being, to the intent he may take order for the receipt and payment of the said penalties

Justices and
searchers to
give account
to the trea-
surer 4 times
a year of all
convictions.

and forfeitures, according to the tenor, and true meaning, and for the purposes of this act.

Proviso.

XIV. Provided always, That no mill-man or searcher shall, after the first day of *May*, forfeit or incur, or be liable to, any penalty, for falsely or fraudulently measuring, sealing, or stamping any cloth, other than the penalties by this present act in the case herein before mentioned; any former law or statute to the contrary notwithstanding.

Directions in case of a prosecution.

XV. And it is hereby further enacted, That from and after the said first day of *May*, in case any cloth-maker, searcher, mill-man, or any other person, shall be prosecuted for any of the offences mentioned in this or either of the said former acts, after the cloth, relating to which such prosecution shall be commenced, shall be sold to the merchant or cloth-buyer, every such merchant or cloth-buyer shall, and he is hereby required and obliged, on demand of the person so prosecuted, to produce such cloth, unless it shall appear on the oath of such merchant or buyer, or the person who packed the same, to be made before one or more justice or justices of the said riding, or any corporation within the same (which oath such justice or justices is and are hereby required to administer *gratis*) that such cloth was then dressed, pressed, and packed up, in order to be sent away from such merchant or buyer, to the intent that the same, and the matter of such complaint, may be inspected, inquired into, and examined; and in case the merchant, buyer, or owner of such cloth shall refuse to produce the same as aforesaid, such merchant, buyer, or owner shall forfeit and pay, for every such offence, the sum of five pounds, to be levied, recovered, and applied as aforesaid.

Extent of this act.

XVI. And be it further enacted by the authority aforesaid, That this act, and all the penalties and clauses therein contained, shall extend to all woollen broad cloth which shall be made, milled, dressed, or exposed to sale in the west riding of the county of *York*, except white cloth, after the same shall be put into hot water in order to be died.

Informations to be made within 5 days.

XVII. And it is hereby further enacted by the authority aforesaid, That all informations on which any conviction shall be made of any offence by virtue of this act, shall be made within five days next after the discovery of the same offence, and not otherwise.

Application of the duties and penalties.

XVIII. *And whereas there is now in the hands of the treasurer of the west riding of the county of York, a considerable sum of money, which hath arisen by and out of the duties granted by the said former acts, for the stamping and measuring of broad cloth; now it is hereby further enacted by the authority aforesaid, That the treasurer of the said west riding for the time being, shall out of the money remaining in his hands, and which shall hereafter be received by him on account of the said duties, and of the duties and penalties herein before directed to be paid to such treasurer as aforesaid, in the first place pay the charges and expences attending the passing this act, and shall afterwards pay and apply the*

the said duties and penalties, as the same shall come in and be received, to such uses and purposes as the same are directed to be paid and applied by virtue of this or the said two former acts, or either of them.

XIX. And it is hereby further enacted by the authority aforesaid, Justices to settle the duties. That after all the money to be expended in and about the obtaining this act shall be totally paid off and discharged, it shall and may be lawful to and for the justices of the peace for the said west riding, at their general quarter sessions held next after *Easter*, to make orders for the increasing or diminishing the rates and duties to be paid for measuring, stamping, and sealing of cloth, so as the same shall never exceed four pence for a whole cloth, and two pence for an end or half cloth.

XX. And it is hereby further enacted, that this present act, and all the clauses, provisoes, matters, and things contained in the said act of the eleventh year of his late majesty King *George* the First, and the said act of the seventh year of his present Majesty, or either of them, which were to continue in force to the end of this present session of parliament, other than and except such of them as are hereby revoked, repealed, altered, or otherwise explained, shall be and are hereby made perpetual: This act made perpetual.
11 Geo. 1. c. 24.
7 Geo. 2. c. 25. and also, that this act shall be taken and deemed to be a publick act, Publick act. and all judges, justices, and other persons, are hereby required to take notice thereof as such, without specially pleading the same.

C A P. XXXVI.

An act for opening a trade to and from Persia through Russia.

WHEREAS by letters patent, dated at Westminster the Preamble, re-citing the patent of 1 & 2 Philip and Mary, twenty sixth day of February, in the first and second years of the reign of King Philip and Queen Mary, their majesties did give and grant to certain persons therein mentioned, by the name of Merchants adventurers of England, for the discovery of lands, territories, isles, dominions, and seigniories unknown, and not before their late adventure or enterprize, by seas or navigation commonly frequented, the sole privilege of trading to the dominions and territories of the emperor of Russia: and whereas the liberties, powers, and privileges granted by the said letters patent, were afterwards by an act of parliament made in the eighth year of the reign of and the act of 8 Eliz. not printed. Queen Elizabeth, confirmed to the said merchants, and their successors, by the name of The fellowship of English merchants, for discovery of new trades (now commonly called The Russia company) by which the said fellowship are to have the sole privilege of trading to and from the dominions and territories of the emperor of Russia, lying northwards, north-eastwards, and north-westwards, from the city of London; as also to the countries of Armenia Major or Minor, Media, Hyrcania, Persia, or the Caspian Sea: and whereas by an act made in the tenth and eleventh years of the reign of King Wil- and 10 & 11 Will. 3. c. 6. liam the Third to enlarge the trade to Russia, any subject of this realm hath a right to be made free of the said fellowship, paying for such his admission five pounds, and no more: and whereas by an act of

and 12 Car. 2.
c. 18.

parliament passed in the twelfth year of the reign of his late majesty King Charles the Second, intituled, An act for encouraging and encreasing shipping and navigation, it is (amongst other things) enacted, That no goods of foreign growth, production, and manufacture, which by the said act are to be brought into England, Ireland, Wales, the islands of Guernsey or Jersey, or town of Berwick upon Tweed, in English or other shipping, navigated in such manner as therein is mentioned, shall be shipped or brought from any other place or places, country or countries, but only from those of the said growth, production, or manufacture, or from those ports where the said goods and commodities could only, or were, or usually had been, first shipped for transportation, and from none other places or countries, under the penalties of the forfeiture of all such goods, as also the ship in which they are imported, with all her guns, furniture, ammunition, tackle, and apparel, to be divided and recovered as in the said act is directed, with proviso that the said act shall not extend or be meant to restrain and prohibit the importing of any of the commodities of the Streights or Levant Seas, in English built shipping, and navigated as therein is directed, from the usual ports or places for lading them within the said Streights or Levant Seas, or the importing any East India commodities, loaden in the like shipping, and so navigated, from the usual place or places for lading of them, in any part of those seas to the southward and eastward of Capo bona Speranza, although the said commodities be not of the very growth of the said ports or places respectively: and whereas at the time of passing the said act last mentioned, it was not usual to bring to this kingdom raw silk, and other goods and commodities of the growth, produce or manufacture of Persia, through the dominions and territories of the emperor of Russia: and whereas it may be of great advantage to this kingdom, to open a trade to and from Persia through Russia, by promoting the consumption of the woollen and other manufactures, goods, and commodities thereof, if raw silk, and other the goods and commodities of the growth, produce, and manufacture of Persia be permitted to be imported into this kingdom from Russia, in return for such woollen and other manufactures as shall be exported from hence into Russia, and from thence carried into Persia, and not otherwise; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of June, one thousand seven hundred and forty one, it shall and may be lawful to and for any person or persons free or to be free of the said fellowship of English merchants for discovery of new trades, commonly called *The Russia company*, exclusive of all others, to bring and import into this kingdom, in British built shipping navigated according to law, from any port or place of or belonging to the Czar or Emperor of Russia, raw silk, or any other goods or commodities of the growth, produce, or manufacture of Persia (provided such manufacture be made of the growth or produce of Persia) being purchased by barter with woollen or other manufactures, goods, or commodities, exported from Great Britain,

The Russia
company may
import Per-
sian com-
modities,

being pur-
chased by

tain to *Russia*, and from thence carried into *Persia* (gold and silver in coin or bullion excepted) or with the produce arising from the sales of such manufactures, goods, or commodities, so exported to *Russia* and carried into *Persia* as aforesaid, and not otherwise, upon paying or securing the customs and other duties now payable for the same by any law now in force, according to such rules, methods, and directions, and in the same manner and form, and with such allowances, abatements, discounts, and drawbacks, and under such penalties, forfeitures, and disabilities, as are by law prescribed and practised on the importation of the like goods of the growth, produce, or manufacture of *Persia*, imported into this kingdom from any port or place in the *Levant Seas*, by any person or persons free of the *Levant or Turkey* company; any thing in the said recited act made in the twelfth year of the reign of King *Charles* the Second to the contrary thereof in any wise notwithstanding.

barter with
British manu-
factures,

or with the
produce of
such manu-
factures ex-
ported to
Russia.

II. And be it further enacted by the authority aforesaid, That no silk, or other produce, commodities, or manufactures of *Persia*, shall be imported into *Great Britain* through *Russia* by virtue of this act, unless the importer or importers thereof do take an oath, or being of the people called *Quakers*, a solemn affirmation, before the collector, customer, or comptroller of his Majesty's customs (who are hereby impowered to administer the same) at the port or place of importation, that to the best of his or their knowledge and belief, the silk, and other the produce, commodities, and manufactures of *Persia*, contained in his or their entry or entries, was or were really and truly purchased by barter with woollen or other manufactures, goods, or commodities, exported from *Great Britain* to *Russia*, and from thence carried into *Persia* (not being gold or silver in coin or bullion) or with the produce arising from the sales of such woollen or other manufactures, goods, or commodities, so exported as aforesaid, and not otherwise; and in default of taking such oath or affirmation, all such silk, or other the produce, commodities, or manufactures of *Persia*, so imported from *Russia*, shall be liable to be seized and forfeited, in like manner as if the same had been imported contrary to the said act made in the twelfth year of the reign of his late majesty King *Charles* the Second, intituled, *An act for encouraging and increasing of shipping and navigation*.

on oath of the
importer.

III. Provided always, and be it further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to the permitting the using or wearing in this kingdom any wrought silks, or other the goods or commodities of the manufacture of *Persia*, mentioned in the act passed in the eleventh year of the reign of his late majesty King *William* the Third, intituled, *An act for the more effectual employing the poor, by encouraging the manufactures of this kingdom*, which may be imported by virtue hereof through *Russia*; but the same act, and every clause therein contained, so far as the same relates to the importing the said goods into the port of *London* only, and to the entry thereof, and payment of the duties, and putting

Persian manu-
factures not
to be worn in
England;

11 Will. 3.
c. 10.

but shall be
exported a-
gain on se-
curity.

putting the same into proper warehouses, and exporting them on security, and to the seizing and prosecuting those goods and dividing the produce of such seizures, and keeping proper accounts thereof, and subjecting the persons concerned to penalties and disabilities for breach of the said act, shall be practised, and be of full force and effect for the purposes aforesaid, as if the said act, and the several clauses therein contained, were particularly and at large repeated and set down in the body of this act.

On seizure,
the proof of
their being
Persian goods,
or not, shall
be on the im-
porter.

IV. And be it further enacted by the authority aforesaid, That if any question, dispute, or doubts shall arise, whether any of the goods or commodities to be imported by virtue of this act be of the growth, produce, or manufacture of *Persia*, or not, or were imported contrary to the true intent and meaning of this act, and the same shall for that reason be seized as forfeited; the proof thereof shall be incumbent on the importer or claimer, and not upon the officer or informer; and the commissioners of the customs, if they see sufficient cause, shall and may direct the officer of the customs who made the seizure, to proceed in the prosecution thereof, or not; and judgment thereupon shall be given for recovery of the forfeiture.

General issue.

V. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, the defendant or defendants in such action or suit may plead the general issue, and give this act, and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by authority of this act; and if it shall appear so to have been done, then the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action, after the defendant or defendants shall have appeared, or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same, as defendants have in other cases by law.

Treble costs.

This act not to
affect the East
India com-
pany.

VI. Provided also, That any thing in this act contained shall not extend, or be construed to extend, or hinder or deprive the corporation of the united company of merchants of *England* trading to the *East Indies*, from having and enjoying all and every such powers, privileges, franchises, benefits, matters, or things; as do or shall belong to them, or which they could or might enjoy in any manner of wise, if this act had not been made; any thing in this act to the contrary notwithstanding.

VII. And be it further enacted by the authority aforesaid, That this act shall be adjudged and deemed to be a publick act, and shall be judicially taken notice of as such, by all judges, justices, and other persons, without specially pleading the same.

CAP. XXXVII.

An act for restraining and preventing several unwarrantable schemes and undertakings in his Majesty's colonies and plantations in America.

WHEREAS in and by an act made in the sixth year of the reign of his late Majesty King George the First, intituled, *An act for the better securing certain powers and privileges intended to be granted by his Majesty by two charters, for assurance of ships and merchandizes at sea, and for lending money upon bottomry, and for restraining several extravagant and unwarrantable practices therein mentioned, for suppressing the mischievous and dangerous undertakings and attempts therein mentioned and described, and preventing the like for the future; it was enacted, That from and after the twenty fourth day of June, one thousand seven hundred and twenty, all and every the undertakings and attempts therein before described, and all other publick undertakings and attempts tending to the common grievance, prejudice and inconvenience of his Majesty's subjects, or great numbers of them, in their trade, commerce, or other lawful affairs, and all publick subscriptions, receipts, payments, assignments, transfers, pretended assignments and transfers, and all other matters and things whatsoever, for furthering, countenancing, or proceeding in any such undertaking or attempt, and more particularly the acting or presuming to act as a corporate body or bodies, the raising, or pretending to raise transferable stock or stocks, the transferring or pretending to transfer or assign any share or shares in such stock or stocks without legal authority, either by act of parliament or by any charter from the crown, to warrant such acting as a body corporate, or to raise such transferrable stock or stocks, or to transfer shares therein; and all acting or pretending to act under any charter, formerly granted from the crown for particular or special purposes therein expressed, by persons who did or should use, or endeavour to use, the same charters for raising a capital stock, or for making transfers or assignments; or pretended transfers or assignments of such stock, not intended or designed by such charter to be raised or transferred; and all acting or pretending to act under any obsolete charter, become void or voidable by nonuser or abuser, or for want of making lawful elections which were necessary to continue the corporation thereby intended, should, as to all or any such acts, matters and things as should be acted, done, attempted, endeavoured or proceeded upon after the said twenty fourth day of June, one thousand seven hundred and twenty, for ever be deemed to be illegal and void, and should not be practised, or in any wise put in execution: and it was further enacted, That from and after the said twenty fourth day of June, one thousand seven hundred and twenty, all such unlawful undertakings and attempts so tending to the common grievance, prejudice and inconvenience of his Majesty's subjects, or a great number of them, in their trade, commerce or other lawful affairs, and the making or taking of any subscriptions for that purpose, the receiving or paying of any money upon such subscriptions, the making or accepting of any assignment or transfer,*

Preamble, re-
citing the act
6 Geo. 1. c. 18.

transfer, or pretended assignment or transfer, of any share or shares upon any such subscription; and all and every other matter and thing whatsoever, for furthering, countenancing or proceeding in any such unlawful undertaking or attempt, and more particularly the presuming or pretending to act as a corporate body, or to raise a transferrable stock or stocks, or to make transfers or assignments of any share or shares therein, without such legal authority as aforesaid; and all acting, or pretending to act, under any charter formerly granted from the crown for any particular or special purposes therein expressed, by persons making or endeavouring to make use of such charter for any such other purpose not thereby intended, and all acting, or pretending to act, under any such obsolete charter as was before described, and every of them, as to all or any such acts, matters or things as should be so acted, done, attempted, endeavoured, or proceeded upon after the said twenty fourth day of June, one thousand seven hundred and twenty, should be deemed to be a publick nuisance and nuisances, and the same, and all causes, matters and things relating thereto, and every of them, should for ever thereafter be examined, heard, tried and determined, as common nuisances were to be examined, heard, tried and determined by or according to the laws of this realm; and all offenders therein, being thereof lawfully convicted upon information or indictment in any of his Majesty's courts of record at Westminster, or in Edinburgh, or in Dublin, should be liable to such fines, penalties and punishments, whereunto persons convicted for common and publick nuisances were by any of the laws and statutes of this realm, subject and liable, and moreover should incur and sustain any further pains, penalties and forfeitures, as were ordained and provided by the statute of provision and premunire, made in the sixteenth year of the reign of King Richard the Second: and it was further enacted, That if any merchant or trader at any time after the said twenty fourth day of June, one thousand seven hundred and twenty, should suffer any particular damage in his, her or their trade, commerce or other lawful affairs, by occasion or means of any undertaking or attempt, matter or thing, by the said act declared to be unlawful, and would sue to be relieved therein; then and in every such case such merchant or trader should and might have his and their remedy for the same by an action or actions to be grounded upon that statute, against the persons, societies or partnerships, or any of them, who contrary to that act should be engaged or interested in any such unlawful undertaking or attempt; and every such action and actions should be heard and determined in any of his Majesty's courts of record aforesaid, wherein no essoin, protection, wager of law, or more than one imparlance, should be granted or allowed; and in every such action the plaintiff should or might recover treble damages with full costs of suit: and whereas persons have presumed to publish in America a scheme for supplying a pretended want of a medium in trade, by setting up a bank on land security, the stock of such bank to be raised by publick subscriptions for large sums of money, whereof small sums were from time to time to be paid in by the particular subscribers, and to be managed by directors, treasurer and other officers, and dividends to be made as therein mentioned; and the said company of subscribers were to promise to receive the bills which they should issue for

and as so much lawful money as should be therein respectively mentioned in all payments, trade and business; and after the expiration of twenty years, to pay the possessor the value thereof in manufactures; and sundry other schemes, societies, partnerships or companies, have been and may be set on foot in America, for the purpose of raising publick stocks or banks, and unlawfully issuing large quantities of notes or bills there, contrary to the true intent and meaning of the said recited act: and whereas doubts have arisen, whether the said recited act doth extend to, or can be executed in, his Majesty's dominions, colonies and plantations in America, in regard that the information or indictment against the offenders therein mentioned, and likewise the actions to be grounded upon that act, and thereby given to the merchant or trader who should suffer any particular damage, were appointed to be heard and determined in some of his Majesty's courts of record at Westminster, or in Edinburgh, or in Dublin, so that the said act without further explanation and amendment may not be sufficient to suppress and prevent in America the mischievous and dangerous undertakings and attempts therein mentioned, and thereby designed to be prevented and suppressed: for remedy whereof, may it please your most excellent Majesty, that it may be declared and enacted, and be it declared and enacted, by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That the said recited act, and all and singular the paragraphs, clauses, sentences and expressions therein contained, for suppressing, restraining or punishing the extravagant or unwarrantable practices therein mentioned, did, do and shall extend to all and every the publick, extravagant and unwarrantable practices herein before mentioned or described, and did, do and shall extend to, and are and shall be in force, and carried into execution, in all and every his Majesty's dominions, colonies and plantations in America; and that all and every the undertakings, attempts, matters and things in the said recited act mentioned or described, and prohibited to be acted, done, attempted, endeavoured or proceeded upon, within the city of London, and other parts of this kingdom, as also in Ireland, and other his Majesty's dominions; and all other the undertakings, attempts, matters and things herein before mentioned or described, are and shall be deemed to be illegal and void in his Majesty's dominions, colonies and plantations in America also, and shall not there be practised, or in any wise put in execution; and that all offenders against the said recited or this present act, being thereof lawfully convicted upon information or indictment in any of his Majesty's courts of record in any of his Majesty's dominions, colonies or plantations in America, shall be liable to such and the like fines, penalties and punishments, whereunto persons convicted in Great Britain for common and publick nufances are by any of the laws or statutes of this realm subject or liable; and moreover shall incur and sustain any further pains, penalties and forfeitures, as were ordained and provided by the said statute of provision and

Act 6 Geo. 1.
enlarged and
strengthened.

The said act
to extend to
America.

Fines and pe-
nalties on of-
fenders.

pre-

premunire, made in the sixteenth year of the reign of the said King *Richard* the Second; and that if any merchant, trader, or other person hath suffered or shall suffer any particular damage in his, her or their trade, commerce, exchange, or other lawful affairs, by occasion or means of any undertaking or attempt, matter or thing carried on, attempted or done in *America*, and by this act, or the said recited act, declared to be illegal, and will sue to be relieved therein; then and in every such case such merchant, trader or other person, shall and may have his, her and their remedy for the same, by any action or suit grounded upon this act, against the respective persons, societies or partnerships, or against any one or more of the persons, who contrary to this act have or hath been or shall be engaged or interested in any such unlawful undertaking or attempt; and every such action and suit (for what hath been or shall be so undertaken, carried on, attempted, or done in *America*) shall be heard and determined in any of his Majesty's courts of record within any of his Majesty's dominions, colonies, or plantations in *America*; and in every such action and suit the plaintiff (in case he or she recover) may and shall recover treble damages, with full costs of suit.

Treble damages and full costs.

Notes of American societies prosecuted in any court of record, shall be paid immediately,

II. And be it further enacted by the authority aforesaid, That all and every person and persons whatsoever, who shall be possessed of or intitled to any promissory note or notes, bill or bills, which have been or shall be issued by any such societies, partnerships or companies of persons in *America*, shall and are hereby impowered to commence or bring at any time hereafter, his, her or their action or suit, in any court of record in any of his Majesty's dominions, colonies or plantations in *America*, against the respective persons, societies, partnerships and companies, who have or shall issue such notes or bills, or against any one or more of the persons who have been within the space of six years last past, or shall be hereafter engaged or interested in any such unlawful undertaking or attempt, or who shall have signed such note or notes, bill or bills, in order to recover present payment in lawful money of the full sum mentioned or expressed in such note or bill, to which payment every such person is hereby declared to be personally liable; and in such actions or suits, the plaintiff or plaintiffs shall recover and have judgment for immediate payment by the defendant or defendants in lawful money, of the full sum mentioned in such note or bill, together with lawful interest for the same from the day of the date of such note or bill, with full costs of suit, although the time limited for payment according to the tenor of such note or bill shall not then be come or past.

with lawful interest and full costs.

Provido.

III. Provided always, That nothing herein contained shall extend, or be construed to extend, to inflict any of the fines, pains, penalties, forfeitures, punishments, or treble damages aforesaid, upon any person or persons whatsoever, who have or hath attempted, promoted, undertaken, assisted or carried on in *America* any of the matters or things declared to be illegal and void

void by this or the said recited act, if such person or persons does or do within ten days after demand made, pay and discharge such sum or sums of money respectively, as shall be secured or made payable by such note or notes, bill or bills; and desist from, give up, relinquish, and wholly forbear to act further in any sort, directly or indirectly, in any such matter or thing, on or before the twenty ninth day of September, one thousand seven hundred and forty one; any thing herein contained to the contrary notwithstanding.

CAP. XXXVIII.

An act for the encouragement and increase of seamen, and for the better and speedier manning his Majesty's fleet.

WHEREAS the welfare and prosperity of his Majesty's dominions are greatly concerned in giving all due encouragement to

Preamble.

mariners and seamen to enter voluntarily into the ships of the royal navy for the service and defence of their country; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fifth day of March, one thousand seven hundred and forty one, every able seaman who shall, on or before the first day of May, one thousand seven hundred and forty one, voluntarily enter himself to serve on board any of his Majesty's ships of war, shall receive and be intitled to a bounty of five pounds, over and above his wages; and every ordinary seaman who shall on or before the first day of May, one thousand seven hundred and forty one, voluntarily enter himself to serve on board any of his Majesty's ships of war, shall receive and be intitled to a bounty of three pounds, over and above his wages.

Bounty-money increased.

II. And it is hereby further enacted, That if any seaman under the degree of a warrant or a commission officer, entering voluntarily into the service of his Majesty, his heirs and successors, shall be killed or drowned in the said service, and shall leave a widow, to whom he was lawfully married; every such widow sending or producing to the commissioners of the navy a certificate under the hands of the minister, churchwardens, and overseers of the poor of the parish wherein she resides, that she is the real widow of the said seaman so killed or drowned, shall receive such sum of money by way of bounty, as shall amount to, and be equivalent with, one year's pay or wages of such seaman, computing the same according to the rate of the monthly wages or pay he served for, or was intitled to, at the time of his death; and the commissioners of the navy for the time being, are hereby authorized and required, upon producing such certificate at the navy office, to order and direct the payment of such bounty-money accordingly.

Widows of seamen killed in the service, to receive a year's pay as bounty.

III. And whereas by an act of parliament made and passed in the first year of the reign of his present Majesty, intituled, An act for

Act 1 Geo. 2. c. 24. recited. en-

encouraging seamen to enter into his Majesty's service, it was enacted, That no person whatsoever, who should list and enter himself to serve his Majesty as a seaman on board any of his Majesty's ships or vessels, should be liable to be taken out of his Majesty's service by any process of execution whatsoever (other than for some criminal matter) unless for a real debt, or other just cause of action, and unless before taking out such process or execution (not being for a criminal matter) the plaintiff or plaintiffs therein, or some other person or persons on his or their behalf, shall make affidavit before one or more judge or judges of the court of record, or other court out of which such process or execution shall issue, or before some person authorized to take affidavits in such courts, that to his or their knowledge, the sum justly due and owing to the said plaintiff or plaintiffs from the defendant or defendants in the action, or cause of action, on which such process should issue, or the debt or damages and costs for which such execution should be issued out, amounted to the value of twenty pounds at the least, a memorandum of which oath should be marked on the back of such process or writ, for which memorandum or oath no fee should be taken: and that if any person should be arrested contrary to the intent of the said act, it should be lawful for one or more judge or judges of such court, upon complaint thereof made by the party himself, or by any his superior officer or officers, to examine into the same by the oath of the parties, or otherwise, and by warrant under his or their hands and seals to discharge such seamen so arrested contrary to the intent of the said act, without paying any fee or fees, upon due proof made before him or them, that such seaman so arrested was actually belonging to one of his Majesty's ships or vessels, and arrested contrary to the intent of the said act; and also to award to the party so complaining such costs as such judge or judges should think reasonable; for the recovery whereof he shall have the like remedy that the person who took out the said execution might have had for his costs, or the plaintiff in the said action might have had for the recovery of his costs, in case judgment had been given for him with costs against the defendant in the said action: and it was thereby further enacted, That it should and might be lawful for any plaintiff and plaintiffs, upon notice first given in writing of the cause of action to such seaman or seamen in his Majesty's service, or left at his or their last place of residence before his entering into his Majesty's service, to file a common appearance in any action to be brought for or upon account of any debt whatsoever, so as to intitle such plaintiff or plaintiffs to proceed therein to judgment and outlawry; and to have an execution thereupon, other than against the body or bodies of him or them so actually belonging to one of his Majesty's ships, as aforesaid; now it is hereby further enacted, That so much of the said act of the first year of his present Majesty as relates to the preventing and prohibiting any seaman from being taken out of the service of his Majesty, his heirs or successors, or to any other of the matters and things herein before recited, shall, from the twenty fifth day of March, one thousand seven hundred and forty one, be exercised, executed, take effect, and be of force within the kingdom of Ireland.

This act to
extend to Ire-
land.

IV. And

IV. *And whereas mariners and seafaring men, taking advantage of the present war with Spain, have insisted on very extravagant wages, by which the trade of the nation, and the manning of the royal navy, is put under great difficulties; for remedy whereof, be it enacted by the authority aforesaid, That from and after the twenty fifth day of March, in the year of our Lord one thousand seven hundred and forty one, until the first day of March following, no person or persons, bodies politick or corporate, shall by themselves, or by any other person or persons, directly or indirectly, by way of gift, loan, premium, deposit, or by any other means, device, or contrivance whatsoever, give or pay, or agree to give or pay, to any common seaman, mariner, or seafaring man, or any person employed or to be employed as such, on board any merchant ship or vessel; nor shall any such seaman, mariner, or seafaring man, or other person, as aforesaid, directly or indirectly, by any the means aforesaid, take or receive more wages, pay, or hire, than after the rate of thirty five shillings per month, and in the same proportion for any greater or lesser time than a month, for his service during the whole or any part of the voyage he shall be bound for or go upon, excepting what shall be paid or received by virtue of, and according to, such contracts in writing, which have been, or shall be, made on or before the eleventh day of March, one thousand seven hundred and forty, really and bona fide, according to the method, and in the manner, prescribed in and by an act of parliament of the second year of his present Majesty's reign, intituled, *An act for the better regulation and government of seamen in the merchant ships*; and all contracts, agreements, bonds, notes, writings, instruments, and securities, of what nature or kind soever, for the paying or receiving more or greater wages, pay or hire, than as aforesaid, contrary to the true intent and meaning of this act, if made or entered into after the twenty fifth day of March, one thousand seven hundred and forty one, and before the first day of March following, are hereby declared to be, and shall be absolutely void to all intents and purposes whatsoever; and if made or entered into after the eleventh day of March, in the year one thousand seven hundred and forty, and on or before the twenty fifth day of the same month, shall be void only as to so much of the wages, pay, or hire thereby agreed for, as shall exceed the rate and proportion of thirty five shillings per month, according to the true intent and meaning of this act; and if any person or persons, or bodies politick or corporate, shall give or pay, or agree to give or pay, to any seaman, or other person, any more or greater wages or hire, than as aforesaid, contrary to the true intent and meaning of this act, such person or persons, or bodies politick or corporate, shall, for every such offence, forfeit treble the sum or value so given or paid, or agreed to be given or paid, as aforesaid, for the whole voyage on which such ship or vessel is or shall be bound, the said penalty to be divided and paid in moieties; one moiety thereof to the use of the King's majesty, his heirs and successors, and the other moiety*

Seamen in merchants' service, not to be paid more than 35s. per month except such contracts as were made before March 11, 1740.
E X P.

Act 2 Geo. II. c. 30.

Penalty on giving greater wages.

ety to the informer; and to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, and in the court of *Exchequer* in that part of *Great Britain* called *Scotland*. *E X P.*

Proviso.

V. Provided, That nothing in this act shall be construed to extend to any contracts or agreements for the hire of any seaman, or persons employed as such, in voyages from any parts beyond the seas, to any other parts beyond the seas, or to *Great Britain*.

C A P. XXXIX.

An act for surveying the chief ports and head lands on the coasts of Great Britain and Ireland, and the islands and plantations thereto belonging, in order to the more exact determination of the longitude and latitude thereof.

Preamble, reciting the act 12 Annæ, st. 2. c. 15.

WHEREAS by an act of parliament made in the twelfth year of the reign of her late majesty *Queen Anne*, intituled, An act for providing a publick reward for such person or persons as shall discover the Longitude at sea, the commissioners therein named, or any five or more of them, have full power to bear and receive any proposal or proposals that shall be made to them, for discovering the said longitude; and in case the said commissioners, or any five or more of them, shall be so far satisfied of the probability of any such discovery, as to think proper to make experiment thereof, they shall certify the same under their hands and seals to the commissioners of the navy for the time being, together with the persons who are authors of such proposals; and upon producing such certificate, the said commissioners are thereby authorized and required to make out a bill or bills for any sum of money, not exceeding two thousand pounds, as the said commissioners for the discovery of the longitude, or any five or more of them, shall think necessary for making the experiments, payable by the treasurer of the navy to such person or persons as shall be appointed by the commissioners for discovery of the longitude, to make those experiments: And for a due and sufficient encouragement to any such person or persons as shall discover a proper method for finding the said longitude, it is thereby further enacted, That the authors or discoverers of any such method shall be intituled to the respective sums therein mentioned, if it determines the said longitude according to the respective degrees of exactness in the said act described; and that a moiety of such reward or sum shall be due and paid, when the said commissioners, or the major part of them, agree that such method extends to the security of ships within eighty geographical miles of the shores, which are places of the greatest danger: And whereas it is absolutely necessary for making such discovery useful at sea, and for the security of ships approaching near the shores, that the chief ports and head lands on the coasts of *Great Britain* and *Ireland*, and the islands and plantations thereto belonging, should be first surveyed, and the longitude and latitude of such places determined more exactly than has hitherto been done: And whereas some doubts have arisen, whether by the words of the said act of parliament the said sum of two thousand pounds

Pounds appointed for making such experiments, or any part thereof, can be applied for such survey, or fixing the longitude or latitude of such places; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same; That the said Commissioners for discovering the longitude, or any five or more of them, shall have full power to apply such part of the said sum of two thousand pounds mentioned in the said act, as has not already been laid out in experiments, as they shall think necessary, for the making such survey, and determining the longitude and latitude of the chief ports and head lands, on the coasts of Great Britain and Ireland, and the islands and plantations thereto belonging; and that such sum or sums, part of the said two thousand pounds, which the said commissioners, or any five or more of them shall think necessary, shall be paid immediately by the treasurer of the navy, to such person or persons as shall be appointed by the said commissioners for the discovery of the longitude, to make such survey, and determine such longitude and latitude, out of the money that shall be in the hands of such treasurer, unapplied, for the use of the navy.

CAP. XL.

An act to enable the commissioners for building a bridge cross the river Thames, from the city of Westminster to the opposite shore in the county of Surrey, to raise a further sum of money towards finishing the said bridge, and to perform the other trusts reposed in them, and for exchanging of tickets unclaimed in the Westminster Bridge lottery of the twelfth year of his present Majesty's reign, and for making provision for tickets in the said lottery, lost, burnt, or otherwise destroyed.

WHEREAS the money already raised for and towards building a bridge cross the river Thames, from the Woolstaple, or thereabouts, in the parish of Saint Margaret in the city of Westminster, to the opposite shore in the county of Surrey, by virtue of several acts of parliament made in the reign of his present Majesty, will not be sufficient to answer and defray the expences of finishing and completing the building of the said intended bridge, and the several other necessary works by the said acts of parliament directed to be done and performed; therefore may it please your Majesty that it may be enacted, &c.

275,000*l.* to be advanced by 5*l.* lottery tickets. Adventurers allowed 2*l.* 10*s.* for every 50 tickets they subscribe for. Directors of the former lottery continued. 15*l.* per cent. for every prize, amounting in the whole to 41,250*l.* to be deducted. Residue of the monies to be applied to the building the bridge. Penalty on selling chances of tickets for less than the whole time of drawing. 500*l.* penalty on selling interests in tickets not in the persons possession. Commissioners may purchase lands, &c. to make new ways.

H h 2

CAP.

C A P. XLI.

An act for granting to his Majesty the sum of one million out of the sinking fund, and for applying other sums therein mentioned, for the service of the year one thousand seven hundred and forty one: and for allowing a drawback of the duties upon coals used in fire engines for draining tin and copper mines in the county of Cornwall; and for appropriating the supplies granted in this session of parliament; and for making forth duplicates of exchequer bills, lottery tickets, and orders, lost, burnt, or otherwise destroyed; and for giving further time for the payment of duties omitted to be paid for the indentures and contracts of clerks and apprentices.

Most gracious Sovereign,

Preamble.

WE your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, being desirous not only to raise such supplies as are necessary to enable your Majesty to carry on the present war with success, but also to use such ways and means therein, as that your Majesty may have the better and more speedy effect of the said supplies, have resolved to give and grant unto your Majesty the sum of one million out of the surplusses, excesses, and overplus monies, commonly called *The Sinking Fund*, towards the supply granted to your Majesty for the service of the year one thousand seven hundred and forty one; and to that end and purpose do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That by or out of such monies as now are, or shall from time to time be and remain in the receipt of the exchequer, of the said surplusses, excesses, or overplus monies, commonly called *The Sinking Fund*, (after paying or reserving sufficient to pay all such sum or sums of money as have been directed by any former act or acts of parliament to be paid out of the same) there shall and may be issued, and applied, a sum not exceeding the said sum of one million, for and towards the supply granted to his Majesty for the service of the said year one thousand seven hundred and forty one; and the commissioners of his Majesty treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, are hereby authorized and empowered to issue and apply the same accordingly.

Treasury to
issue out of
the Sinking
Fund
1.000.000l.

Other sums
appropriated
to the service
of the present
year.

II. And be it further enacted by the authority aforesaid, That the sum of thirty nine thousand five hundred eighty eight pounds, ten shillings and ten pence three farthings, now remaining in the

the receipt of his Majesty's exchequer, granted for the service of the year one thousand seven hundred and forty, but not applied for the service of that year; and also the sum of eleven thousand four hundred thirty four pounds, and four shillings, remaining in his Majesty's exchequer, reserved to be disposed of by authority of parliament, shall and may be issued and applied as part of his Majesty's supply granted for the service of the year one thousand seven hundred and forty one; any law, statute or provision to the contrary in any wise notwithstanding.

III. *And whereas for many years past there have been no considerable new loads or veins of tin and copper discovered, and the greatest and most considerable mines of tin and copper within the county of Cornwall are become so deep, that all means for the draining water out of them have already proved ineffectual; and it hath been found by experience, that under the present duties upon coals the application of fire engines to the draining the waters out of the mines in the said county of Cornwall hath been impracticable, from the great expence attending the same; Therefore for the encouragement of such valuable works, wherein a great number of tanners, labourers and adventurers are employed, and subsist thereby; be it enacted by the authority aforesaid, That from and after the twenty fourth day of June, one thousand seven hundred and forty one, for all coals which shall be used in fire engines, for the draining water out of the mines of tin and copper, within the said county of Cornwall, and for which duties have been first answered and paid, a drawback shall be allowed and made of all such duties, upon proof by oath made before the customer or collector of the said duties (which oath he is hereby impowered and required to administer) that such coals have been so used and applied, which drawback of all the said duties shall be returned and paid by the collector of the said duties to such person so making proof as aforesaid.*

Coals used in the tin-works in Cornwall shall be allowed a drawback of all the duties.

IV. *And whereas it may so happen, that there may be a want of money for carrying on the current service of the said year one thousand seven hundred and forty one, before monies sufficient may have arisen into the exchequer from the said surplusses, to satisfy and pay the said sum of one million by this act granted; in such case it shall and may be lawful to and for the said commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, by warrant under their hands to permit and suffer any person or persons, body or bodies politick or corporate, to advance and lend to his Majesty at the receipt of his exchequer, so much money as together with the monies then remaining in the said exchequer of the said surplusses, excesses or overplus monies commonly called *The Sinking Fund*, shall be wanting to compleat the said sum of one million, upon credit of the growing produce of the said surplusses, excesses or overplus monies, and to be repaid out of the same, as they shall quarterly afterwards arise, together with an interest for the forbearance thereof in the mean time, after a rate not exceeding*

Money to be borrowed on the sinking fund at 3 l. 10 s. per cent. interest.

three pounds ten shillings *per centum per annum*; any thing herein before contained to the contrary notwithstanding.

- Application of the supplies. V. Provided always, and be it further enacted by the authority aforesaid, That all the monies coming into the exchequer, either by loans or exchequer bills, upon one act of this session of parliament, intituled, *An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and forty one*, and so much money (if any such be) of the tax thereby granted, as shall arise or remain, after all the loans or exchequer bills made or to be made on the same act, and all the interest, premium, or rate and charges thereon, and the charges thereby allowable for raising the said land tax, shall be satisfied, or money sufficient shall be reserved in the exchequer to discharge the same; and all the monies coming into the exchequer, either by loans or exchequer bills, upon one other act of this session of parliament, intituled, *An act for continuing the duties upon malt, mum, cyder, and perry, in that part of Great Britain called England, and for granting to his Majesty certain duties upon malt, mum, cyder, and Perry, in that part of Great Britain called Scotland, for the service of the year one thousand seven hundred and forty one*, and so much money (if any such be) of the duties thereby granted, as shall arise or remain after all the loans or exchequer bills made, or to be made on the same act, and all the interest, premium, or rate and charges thereon, and the charges thereby allowable for raising the said duties, shall be satisfied, or money sufficient shall be reserved in the exchequer to discharge the same; and all the monies coming into the exchequer, either by loans or exchequer bills, upon one other act of this session of parliament, intituled, *An act for granting and continuing the duties upon salt, and upon red and white herrings, for the further term of seven years, and for allowing rock salt to be used in making salt from sea water at the salt works at Meath in the county of Glamorgan*; and so much money (if any such be) of the duties thereby granted and continued, as shall arise or remain after all the loans or exchequer bills made or to be made on the same act, and all the interest, premium or rate and charges thereon, and the charges thereby allowable for raising the said duties shall be satisfied, or money sufficient shall be reserved in the exchequer to discharge the same; and also the sum of thirty nine thousand five hundred eighty eight pounds, ten shillings, and ten pence three farthings, granted for the service of the year one thousand seven hundred and forty, but not applied for the service of that year; and the sum of eleven thousand four hundred and thirty four pounds, four shillings, remaining in the receipt of his Majesty's exchequer, reserved to be disposed of by authority of parliament; and the sum of one million by this act granted as aforesaid, shall be further appropriated and applied, and are hereby appropriated for and towards the several uses, intents, and purposes herein after expressed, subject nevertheless to such restrictions as are herein after prescribed; that is to say,
- Land tax.
- Malt tax.
- Salt tax.
- Money remaining in the exchequer.

VI. It is hereby enacted and declared, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding two millions two hundred sixty four thousand six hundred ninety one pounds, ten shillings, and ten pence, for or towards the naval services herein after more particularly expressed; (that is to say) For or towards defraying the charge of the ordinary of his Majesty's navy, and for half-pay to sea officers, for or towards victuals, wages, wear and tear of the navy, and the victualling thereof, performed and to be performed, and for or towards sea services in the office of ordnance, performed and to be performed.

2,264,691 l.
10s. 10d. for
naval services.

VII. And it is hereby also enacted, That out of all or any the aids or supplies as aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding one hundred and five thousand two hundred seventy five pounds eighteen shillings and eight pence, for or towards the charge of transports hired to carry the forces to *America*; and any sum or sums of money not exceeding one hundred twenty four thousand five hundred sixty four pounds, eight shillings and three farthings, for the expence of victuals provided for the soldiers employed in the expeditions in *America*.

105,275 l. 18s.
8d. for trans-
ports to carry
the forces to
America.
124,564 l. 8s.
and 3 far-
things, for
victuals for
the forces in
America.

VIII. And it is hereby also enacted, That out of all or any the aids or supplies as aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding ten thousand pounds, upon account, for or towards the support of the royal hospital at *Greenwich*, and for the better maintenance of the seamen of the said hospital, worn out and become decrepit in the service of their country.

10,000 l. to
Greenwich
hospital.

IX. And it is also hereby enacted, That out of all or any the aids or supplies as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding one hundred ninety one thousand two hundred ninety six pounds, four shillings, and eleven pence, for or towards defraying the charge of the office of ordnance for land service performed and to be performed, and for defraying the extraordinary expence of the office of ordnance for land services, not provided for by parliament.

191,296 l. 4s.
11d. to the
office of ord-
nance.

X. And it is also hereby enacted, That out of all or any the aids or supplies as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding one hundred twenty four thousand fifty two pounds, and five shillings, for defraying the charge of six thousand nine hundred and thirty marines, commission and non-commission officers included, for the service of the year one thousand seven hundred and forty one; and any sum or sums of money not exceeding ninety thousand two hundred and one pounds, ten shillings, for raising and maintaining four thousand six hundred and twenty additional marines, commission and non-commission officers included, for the service of the year one thousand seven hundred and forty one.

124,052 l. 5s.
for the ma-
rines.

90,201 l. 10s.
for maintain-
ing additional
marines.

XI. And it is hereby likewise enacted, That out of all or any

H h 4

the

1,703,194l. 6s.
2d. 3 farthings
for maintain-
ing the land
forces for the
uses follow-
ing, viz.
883,189l. 2s.
6d. for guards
and garrisons.

116,321l. 4s.
2d. for 5705
additional
land forces.

266,512l. 16s.
5d. halfpenny
for garrisons
at Minorca,
Gibraltar, &c.

4,948l. 18s.
4d. for out-
pensioners of
Chelsea hospi-
tal.

36,157l. 19s.
1d. halfpenny
for extraordi-
nary expences
in the year
1740.

53,995l. 13s.
4d. for a regi-
ment of foot
in America.

11,612l. 13s.
4d. for officers
attending the
forces for
lord Cath-
cart's expedi-
tion on board
the fleet.

1,271l. 10s.
for staff offi-
cers to attend

the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding one million seven hundred and three thousand one hundred ninety four pounds, six shillings, and two pence three farthings, for or towards maintaining his Majesty's land forces, and other services herein after more particularly expressed; that is to say, any sum or sums of money not exceeding eight hundred eighty three thousand one hundred eighty nine pounds, two shillings, and six pence, for defraying the charge of twenty nine thousand and thirty three effective men, commission and non-commission officers included; and also including two regiments of foot employed on the expedition under the late lord *Cathcart*, and two thousand three hundred twenty two invalids; for guards, garrisons, and other his Majesty's land forces in *Great Britain*, *Guernsey*, and *Jersey*, for the year one thousand seven hundred and forty one; and any sum or sums of money not exceeding one hundred sixteen thousand three hundred twenty two pounds four shillings, and two pence, for raising and maintaining five thousand seven hundred and five additional land forces, commission and non-commission officers included, for the year one thousand seven hundred and forty one; and any sum or sums of money not exceeding two hundred sixty six thousand five hundred and twelve pounds, sixteen shillings and five pence halfpenny, for maintaining his Majesty's forces and garrisons in the plantations *Minorca*, and *Gibraltar*, and for provisions for the garrisons at *Annapolis Royal*, *Canso*, *Placentia*, *Gibraltar*, and *Georgia*, for the year one thousand seven hundred and forty one; and any sum or sums of money not exceeding four thousand nine hundred forty eight pounds, eighteen shillings and four pence, upon account for the out-pensioners of *Chelsea* hospital, for the year one thousand seven hundred and forty one; and any sum or sums of money not exceeding thirty six thousand one hundred fifty seven pounds, nineteen shillings, and one penny half-penny, for defraying several extraordinary expences and services incurred in the year one thousand seven hundred and forty, and not provided for by parliament; and any sum or sums of money not exceeding fifty three thousand nine hundred ninety five pounds, thirteen shillings and four pence, for maintaining a regiment of foot raised in *America*, for his Majesty's service, consisting of thirty six companies, for the service of the year one thousand seven hundred and forty one, commencing the twenty fifth day of *December*, one thousand seven hundred and forty inclusive; and any sum or sums of money not exceeding eleven thousand six hundred and eleven pounds, thirteen shillings and four pence, for maintaining the charge of several officers appointed by his Majesty to go with the forces on board the fleet in the expedition under the command of the late lord *Cathcart*, for the year one thousand seven hundred and forty one; and any sum or sums of money, not exceeding one thousand two hundred seventy seven pounds ten shillings, for maintaining the charge of the staff officers, appointed by his Majesty, to attend the

the hospital established for the service of the expedition under the command of the late lord *Cathcart*, for the year one thousand seven hundred and forty one; and any sum or sums of money, not exceeding seventy five thousand nine hundred fifty two pounds, seven shillings and four pence farthing, for defraying the expence of six thousand *Hessians*, taken into his Majesty's pay, from the twenty fifth day of *March* exclusive, to the twenty fifth day of *December*, one thousand seven hundred and forty one, inclusive, being two hundred seventy five days; as also the sum of thirty thousand two hundred and five pounds, fourteen shillings and seven pence, for what remains unpaid for levy-money for the said forces, pursuant to a treaty dated the ninth day of *May*, one thousand seven hundred and forty; and the sum of forty nine thousand six hundred and eight pounds, six shillings, and one penny, for what remains payable of the subsidy for the six thousand *Hessians* taken into his Majesty's pay, to the twenty fifth day of *December*, one thousand seven hundred and forty one, pursuant to a treaty dated the said ninth day of *May*, one thousand seven hundred and forty; and any sum or sums of money not exceeding sixty nine thousand eight hundred forty one pounds, five shillings, and four pence halfpenny, for defraying the expence of six thousand *Danes* taken into his Majesty's pay, from the twenty fifth day of *March* exclusive, to the twenty fifth day of *December*, one thousand seven hundred and forty one, inclusive, being two hundred seventy five days; as also the sum of twenty five thousand eight hundred seventy five pounds, for what remains unpaid for the levy-money for the said forces, pursuant to a treaty dated the fourteenth day of *March*, one thousand seven hundred and thirty nine, new stile; and also the sum of forty four thousand five hundred sixty nine pounds, eight shillings, and one penny, for what remains payable of the subsidy for the six thousand *Danes* taken into his Majesty's pay, to the twenty fifth day of *December*, one thousand seven hundred and forty one, pursuant to the said treaty dated the fourteenth day of *March*, one thousand seven hundred and thirty nine, new stile; and any sum or sums of money not exceeding twenty nine thousand three hundred pounds, seven shillings and six pence, upon account of half-pay to the reduced officers of his Majesty's land forces and marines, for the year one thousand seven hundred and forty one, subject nevertheless to such rules to be observed in the application of the said half-pay, as are herein after prescribed concerning the same; and any sum or sums of money not exceeding four thousand one hundred twenty six pounds, for paying of pensions to widows of such reduced officers of his Majesty's land forces and marines, as died upon the establishment of half-pay in *Great Britain*, and who were married to them before the twenty fifth day of *December*, one thousand seven hundred and sixteen, for the year one thousand seven hundred and forty one; which said sum of four thousand one hundred twenty six pounds, shall be issued to such person or persons, as his Majesty shall, by warrant

the hospital established for the said expedition.

75,951. 7s. 4d. farthing for six thousand Hessians.

30,205l. 14s. 7d. unpaid of the levy money to the said forces.

49,608l. 6s. 1d. of the subsidy for the Hessians.

69,841. 5s. 4d. halfpenny, for six thousand Danes.

25,875l. unpaid of the levy money.

44,569l. 8s. 2d. payable of the subsidy.

29,300l. 7s. 6d. for half-pay officers.

4,126l. for pensions to reduced officers widows.

rant or warrants under his royal sign manual, direct or appoint to receive the same, to be by him or them paid over to such widows of half-pay officers, or their assigns, according to such establishments, lists, or other directions, and with and subject to such conditions, qualifications, or other allowances for the same, as his Majesty, by such and the like warrant or warrants, shall be graciously pleased to direct and appoint.

300,000*l.* to
support the
Queen of
Hungary.

XII. And it is hereby also enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding three hundred thousand pounds, for the further enabling his Majesty in the most effectual manner to support the queen of *Hungary*, for preventing the subversion of the house of *Austria*, and for the maintaining the pragmattick sanction, and supporting the liberties and balance of power in *Europe*.

5,021*l.* 10*s.* 10*d.*
halfpenny, to
make good
the deficiency
of the additi-
onal stamp
duties.

XIII. And it is also hereby enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding five thousand twenty one pounds, ten shillings, and one penny halfpenny, to replace to the sinking fund the like sum paid out of the same, to make good the deficiency of the additional stamp duties at *Christmas*, one thousand seven hundred and thirty nine, pursuant to a clause in an act of parliament passed in the fourth year of his Majesty's reign, for raising one million two hundred thousand pounds by annuities and a lottery for the service of the year one thousand seven hundred and thirty one; and any sum or

20,000*l.* to the
sinking fund.

sums of money not exceeding twenty thousand pounds, to replace to the sinking fund the like sum paid out of the same to the governor and company of the bank of *England* for one year's interest due on or before the eighth day of *September*, one thousand seven hundred and forty, being after the rate of four pounds *per centum* on the principal sum of five hundred thousand pounds by them lent on the credit of the salt duties towards the supply of the year one thousand seven hundred and thirty five, pursuant to a clause in an act of parliament passed in the eighth year of his Majesty's reign, for granting and continuing the duties upon salt, and upon red and white herrings, for the further term of four years; and any sum or sums of money, not exceeding twenty three thousand seven hundred and eleven pounds,

23,711*l.* 8*s.* 6*d.*
more to the
sinking fund.

eight shillings and six pence, to replace to the said sinking fund the like sum paid out of the same, to make good the deficiency of twelve shillings *per barrel* on sweets or wines made from *British* or foreign fruits, or sugar, at *Midsummer*, one thousand seven hundred and thirty nine, at three pounds *per centum per annum* interest on five hundred thousand pounds charged thereon; and any sum or sums of money not exceeding four thousand pounds, towards the repairing and finishing the collegiate church of *Saint Peter, Westminster*, and to enable the dean and chapter of the said collegiate church to purchase three leasehold houses now standing on the north side of the said church, and to pull down the same, in order to lay open the whole north side

4000*l.* to the
repairing
Westminster
Abbey.

side of the said church; and any sum or sums of money not exceeding ten thousand pounds, towards the maintenance of the *British* forts and settlements belonging to the royal *African* company of *England*, on the coast of *Africa*; and there shall and may be issued to the trustees for establishing the colony of *Georgia* in *America*, any sum or sums of money not exceeding ten thousand pounds, by them to be applied for the further settling and improving the said colony; and any sum or sums of money, not exceeding twenty thousand pounds, for the re-settling and re-establishing the unhappy sufferers of the province of *Carolina*, in the late dreadful fire at *Charles Town*; and any sum or sums of money, not exceeding six thousand two hundred forty nine pounds, sixteen shillings, and four pence three farthings, to make good the loss sustained by several merchants, and by the officers commanding the six new raised independent companies of foot in the island of *Jamaica*, by the failure of master *Henry Popple*, appointed by his Majesty, agent to the said companies; and any sum or sums of money, not exceeding one thousand eight hundred and sixteen pounds, seventeen shillings, and four pence three farthings, to make good the loss sustained by *Richard Fitzwilliam* esquire, captain of an independent company of foot in the island of *New Providence*, on account of the pay of the company under his command, by the failure of the said *Henry Popple*, appointed by his Majesty, agent to the said company; and any sum or sums of money, not exceeding six hundred and fifty pounds, to make good a loss sustained by the receiver general of *Scotland*, by the failure of the said *Henry Popple*.

10,000l. towards maintaining the African forts.

10,000l. to the colony of Georgia.

20,000l. to the sufferers at Charles town, Carolina.

6,249l. 16s. 4d.

3 farthings, for sums lost by the failure of Henry Popple.

also 1861. 17s. 4d. 3 farthings.

also 650l.

XIV. And it is also hereby enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding two thousand six hundred twenty five pounds, four shillings and three pence three farthings, for making good the deficiency of the general fund for the year ended at *Michaelmas*, one thousand seven hundred and forty.

1625l. 4s. 3d. 3 farthings, to make good the deficiency of the general fund.

XV. And be it further enacted, That the said aids or supplies provided as aforesaid shall not be issued or applied to any use, intent, or purpose whatsoever, other than the uses and purposes before mentioned, or for the several deficiencies or other payments directed to be satisfied thereout by any act or acts, or any particular clause or clauses for that purpose contained in any other act or acts of this present session of parliament; and as to the said sum of twenty nine thousand three hundred pounds, seven shillings and six pence by this act appropriated on account of half-pay, as aforesaid; it is hereby enacted and declared by the authority aforesaid, That the rules herein after prescribed shall be duly observed in the application thereof; that is to say, That no person shall have or receive any part of the same, who was a minor, and under the age of sixteen years, at the time when the regiment, troop, or company, in which he served, was reduced; that no person shall have or receive any part of the same, except such persons who did actual service in some

Rules for the application of half pay.

some regiment, troop or company; that no person having any other place or employment of profit, civil or military, under his Majesty, shall have or receive any part of the said half-pay; that no chaplain of any garrison or regiment, who has any ecclesiastical benefice in *Great Britain and Ireland*, shall have or receive any of the said half pay, that no person shall have or receive any part of the same, who hath resigned his commission, and has had no commission since; that no part of the same shall be allowed to any person by virtue of any warrant or appointment, except to such persons, who would have been otherwise intitled to the same as reduced officers; and that no part of the same shall be allowed to any of the officers of the five regiments of dragoons, and eight regiments of foot, lately disbanded in *Ireland*, except to such as were lately taken off the establishment of half-pay in *Great Britain*: *And whereas by an act of parliament made in the thirteenth year of his Majesty's reign, intituled, An act for granting to his Majesty the sum of one million out of the sinking fund for the service of the year one thousand seven hundred and forty: and for enabling his Majesty to raise the further sum of two hundred thousand pounds out of the growing produce of the said fund; and for granting to his Majesty the sum of twenty one thousand pounds, one shilling and eight pence halfpenny, remaining in the receipt of his Majesty's exchequer, arisen by sale of lands in the island of Saint Christophers, and for the further appropriating the supplies granted in this session of parliament, several supplies which had been granted to his Majesty, as is therein mentioned, were appropriated to several uses and purposes therein expressed, amongst which, any sum or sums of money not exceeding thirty four thousand five hundred eighty seven pounds, was appropriated to be paid to the reduced officers of his Majesty's land forces and marines, subject nevertheless to such rules to be observed in the application of the said half-pay, as in and by the aforesaid act were prescribed in that behalf; now it is hereby provided, enacted, and declared by the authority aforesaid, That so much of the said sum of thirty four thousand five hundred eighty seven pounds, as is or shall be more than sufficient to satisfy the said reduced officers according to the rules by the said act prescribed to be observed in the application thereof, or any part of such overplus, shall or may be disposed of to such officers who are maimed or lost their limbs in the late wars, or such others as by reason of their long service, or otherwise, his Majesty shall judge to be proper objects of charity, or to the widows or children of such officers, according to such warrant or warrants under his Majesty's royal sign manual, as shall be signed in that behalf; any thing in this act or the said former act to the contrary notwithstanding.*

A& 13 Geo. II.
c. 23.

The overplus
of last year's
half pay, how
to be applied.

Provision for lost exchequer bills, lottery tickets, &c. Further time given to clerks and apprentices. E X P.

CAP.

C A P. XLII.

An act for the preservation of the publick roads in that part of Great Britain called England.

WHEREAS the highways of this kingdom are greatly damaged and made ruinous by the excessive weights carried thereon: Preamble, amended by 21 Geo. II. c. 23.
 For preventing thereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty ninth day of *September*, one thousand seven hundred and forty one, it shall and may be lawful to and for all trustees appointed, or who shall hereafter be appointed, by any act or acts of parliament for the repairs of any highway or highways within that part of *Great Britain* called *England*, or for any five of them, at any or as many gate or gates, bar or bars, as they have erected, or shall erect, for the receiving of any toll or tolls, to order and cause to be built or erected any crane, machine or engine, which they shall judge proper, for the weighing of carts, waggons, or other carriages, for the conveying of any goods or merchandize whatsoever, and by writing signed by them, or any five of them, to order all and every or any such carriage or carriages, which shall pass through any such gate or bar, to be weighed, together with the loading thereof; and for them, or any five of them, or for any person or persons impowered by them, or any five of them, to receive and take, over and above the toll already granted, or hereafter to be granted, the sum of twenty shillings a hundred weight for every hundred weight which every such cart, waggon or carriage, together with the loading thereof, shall weigh, over and above the weight of sixty hundred; and that the money arising from such additional duty of twenty shillings the hundred, shall be applied to the repair of such highway or highways where such gate or gates, bar or bars, are or shall be placed. Trustees appointed to repair the roads may cause weighing engines to be erected at the toll-gates; and shall weigh carriages and goods; and take 20s. a hundred for all above 6000 weight, to be applied to mending the roads.

II. Provided always, That from and after the twenty ninth day of *September*, one thousand seven hundred and forty one, it shall and may be lawful for any farmer or other person to carry goods for hire, from the fifteenth day of *April* to the twenty ninth day of *September*, in carriages drawn on wheels bound with streaks or tire of any breadth; any law or statute to the contrary in any wise notwithstanding. Farmers may carry goods for hire, &c.

III. And be it further enacted, That in case any person shall neglect or refuse to pay such additional duty of twenty shillings the hundred as aforesaid, it shall and may be lawful to and for the said trustees, or any five of them, or any person or persons impowered by them or any five of them, to levy the same by distress and sale of goods of the person or persons so neglecting or refusing, in such manner as they are impowered to levy any other toll or duty which is or shall be given by any other statute Collectors may seize for the additional duty.

or

or statutes for repair of such highway or highways, where such cranes, machines or other engines shall be placed.

Penalty on persons opposing the collectors in their duty.

IV. And be it further enacted by the authority aforesaid, That if any person or persons shall or do hinder, or with force, or otherwise attempt to hinder or obstruct the weighing any such cart, waggon or carriage as aforesaid, or the seizing, distraining or carrying away any such distress, or any matter or thing which shall be seized, distrained or taken for default of payment of the said additional toll or duty of twenty shillings the hundred; or shall rescue the same, or use any violence to any person or persons concerned in such weighing, distraining or seizure; every such person shall, on oath thereof made by one witness before a justice of the peace of the county or place where such offence, shall be committed or such offender shall dwell, be sent to the common gaol of such county or place for three months, and shall forfeit the sum of ten pounds; half thereof to be paid to the informer, and the other half to be employed in the repair of the said highways; which penalty shall be levied on the goods of such person so offending as aforesaid, by a warrant from such justice; and if the penalty be not paid in three days after distress made, the person who shall be authorized by the said warrant to make such distress, may sell the said goods, and detain out of the money arising from such sale the said penalty of ten pounds, returning the overplus (if any) to the owner of the said goods.

What carriages shall not be weighed.

V. Provided always, That nothing in this act shall be deemed or construed to extend to carts, waggons, or other carriages employed only about husbandry, or carrying of only cheese, butter, hay, straw, corn unthreshed, or chalk, or any one stone, block of marble or piece of timber, nor to caravans, or the covered carriages of noblemen and gentlemen for their private use, or such timber, ammunition or artillery as shall be for his Majesty's service.

Act 5 Geo. 2. c. 12. strengthened, and made more extensive.

In part repealed by 15 Geo. 2. c. 2.

VI. And whereas an act was made in the fifth year of the reign of his late majesty King George the First, intituled, An act for making more effectual the several acts passed for repairing and amending the highways of this kingdom; which hath proved insufficient for that purpose, by reason that the said act extends to such waggons and carts only as travel for hire, and by reason of many difficulties in the manner of convicting and punishing the offenders against the same; For remedy whereof, be it enacted by the authority aforesaid, That the said act, and all and singular the clauses, penalties and forfeitures therein contained, shall extend, and be construed to extend to all waggons and carts, and to the owners and drivers thereof, his and their horses, with the geers, bridles, halters and accoutrements, whether travelling for hire, or not for hire, or in any manner whatsoever; and that all and every person and persons who shall offend against the said act, or this present act, shall for every such offence (being thereof convicted upon oath within the space of three days next after such offence before any one or more justice or justices of the peace of the county, city, liberty or division, where such offence shall

shall be committed, or where such offender or offenders shall happen to be) severally forfeit, be subject and liable to, the respective penalties and forfeitures in the said act contained; to be levied, recovered and applied in such manner, and to such uses, as in and by the said act is mentioned and directed; and his and their horses, with the geers, bridles, halters and accoutrements, shall for the space of three days next after such offence be and remain subject and liable to such seizures and distresses, and for the use and benefit of such person and persons, as they would or might have been, had they been seized or distrained in the fact, during the commission of such offence.

VII. And be it further enacted, That if any action or actions shall at any time or times hereafter be brought against any person or persons whatsoever, for any matter or thing which he, she or they shall do, or cause to be done, by virtue or in execution of this act, that in such case the defendant or defendants in every such action or actions shall and may plead the general issue, and give this act, and the special matter in evidence on any trial or trials to be hereafter had in such action or actions; and that if the plaintiff or plaintiffs in any such action or actions shall discontinue such action or actions, or become nonsuit, or if judgment shall be given against such plaintiff or plaintiffs in such action or actions, that then the defendant or defendants in every such action or actions shall recover his or their treble costs; costs of suit; any law, custom or usage whatsoever to the contrary in any wise notwithstanding.

C A P. XLIII.

An act to enable Thomas Smith, esq; lord of the manor of Farlington in the county of Southampton, to supply the town of Portsmouth, and parts adjacent, with good and wholesome water, at his own proper costs and charges.

WHEREAS the conveying good and wholesome water to the town of Portsmouth in the county of Southampton, and the parts adjacent, will be very desirable, and of great use and benefit to the inhabitants thereof, as well as for the garrison, the publick offices, and shipping; may it therefore please your most excellent Majesty that it may be enacted, &c.

Fresh water to be brought to Portsmouth, from springs in Farlington. Pipes to be laid through the King's roads, and private estates, paying for all damages. Damages to be settled by a jury. Verdicts to be inrolled by the clerk of the peace, which shall be binding, and not removed to another court. Ground shall not be entered on, till satisfaction paid. Pipes may be laid through the streets, &c. of Portsmouth. Not to damage the fortifications. Proviso, in behalf of other springs.

The END of the Seventeenth Volume.

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